

EXHIBIT 1

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF CHASOM BROWN'S AMENDED OBJECTIONS AND RESPONSE
TO DEFENDANT'S FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure Rules 26 and 36, Plaintiff Chasom Brown ("Brown") hereby objects and responds to Defendant's, Google LLC ("Google"), First Set of Requests for Admission (No. 1). These objections and response are made solely for the purpose of and in relation to this action. In addition, the objections and response set forth in this document are based on Plaintiff Brown's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Brown may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Brown reserves all rights to supplement and amend his objections and response accordingly.

REQUEST FOR ADMISSION NO. 1:

Admit that, when YOU signed up for YOUR Google Account, YOU reviewed and consented to the GOOGLE PRIVACY POLICY.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff Brown objects to this Request to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully intercepting,

1 collecting data from, analyzing, and monetizing Plaintiff Brown's (and class members') browsing
2 activity conducted in private browsing mode, despite Google's representations (including without
3 limitation in the Incognito private browsing mode) that private browsing mode was private and
4 that Plaintiff Brown's (and class members') private browsing information would not be collected
5 by Google. Users did not need any Google account to browse privately, using Incognito mode or
6 otherwise. Further, to the best of Plaintiff Brown's knowledge, he has never logged into any
7 Google accounts in Chrome when using Chrome's private browsing mode.

8 Notwithstanding and subject to these objections, Plaintiff Brown admits that, at or around
9 the time he opened his Google Account and at times thereafter, he reviewed Google representations
10 that he was in "control" of what information Google collects and could exercise such control by
11 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
12 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (*i.e.*,
13 the Incognito splash screen that he reviewed each time he began a private browsing mode session
14 in Chrome), to be the Google Privacy Policy. Otherwise Denied.

15 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

16 Plaintiff Brown objects to this Request to the extent it purports to suggest that review of
17 and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation.
18 Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully intercepting,
19 collecting data from, analyzing, and monetizing Plaintiff Brown's (and class members') browsing
20 activity conducted in private browsing mode, despite Google's representations (including without
21 limitation in the Incognito private browsing mode) that private browsing mode was private and
22 that Plaintiff Brown's (and class members') private browsing information would not be collected
23 by Google. Users did not need any Google account to browse privately, using Incognito mode or
24 otherwise. Further, to the best of Plaintiff Brown's knowledge, he has never logged into any
25 Google accounts in Chrome when using Chrome's private browsing mode.

26 Notwithstanding and subject to these objections, Plaintiff Brown admits that, when he
27 opened his Google Account, although he does not recall exact details of the then-current Privacy
28

1 Policy, he reviewed and generally consented to the then-current Privacy Policy, and he recalls the
2 disclosures in the Privacy Policy promising that Google would not intercept and collect his private
3 browsing activity, and he did not consent to that interception and collection. Otherwise Denied.

4 Dated: May 24, 2021

MORGAN & MORGAN

5 /s/ John A. Yanchunis

6 John A. Yanchunis (*pro hac vice*)

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PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's First Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26
27 /s/ Jennifer Cabezas
28 Jennifer Cabezas

EXHIBIT 2

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF WILLIAM BYATT'S AMENDED OBJECTIONS AND RESPONSE
TO DEFENDANT'S FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure Rules 26 and 36, Plaintiff William Byatt ("Byatt") hereby objects and responds to Defendant's, Google LLC ("Google"), First Set of Requests for Admission (No. 1). These objections and response are made solely for the purpose of and in relation to this action. In addition, the objections and response set forth in this document are based on Plaintiff Byatt's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Byatt may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Byatt reserves all rights to supplement and amend his objections and response accordingly.

REQUEST FOR ADMISSION NO. 1:

Admit that, when YOU signed up for YOUR Google Account, YOU reviewed and consented to the GOOGLE PRIVACY POLICY.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff Byatt objects to this Request to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Byatt's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting

1 data from, analyzing, and monetizing Plaintiff Byatt's (and class members') browsing activity
2 conducted in private browsing mode, despite Google's representations (including without
3 limitation in the Incognito private browsing mode) that private browsing mode was private and
4 that Plaintiff Byatt's (and class members') private browsing information would not be collected
5 by Google. Users did not need any Google account to browse privately, using Incognito mode or
6 otherwise. Further, to the best of Plaintiff Byatt's knowledge, he has never logged into any Google
7 accounts in Chrome when using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Byatt admits that, at or around
10 the time he opened his Google Account and at times thereafter, he reviewed Google representations
11 that he was in "control" of what information Google collects and could exercise such control by
12 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
13 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (*i.e.*,
14 the Incognito splash screen that he reviewed each time he began a private browsing mode session
15 in Chrome), to be the Google Privacy Policy. Otherwise Denied.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

17 Plaintiff Byatt objects to this Request to the extent it purports to suggest that review of and
18 consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff
19 Byatt's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting
20 data from, analyzing, and monetizing Plaintiff Byatt's (and class members') browsing activity
21 conducted in private browsing mode, despite Google's representations (including without
22 limitation in the Incognito private browsing mode) that private browsing mode was private and
23 that Plaintiff Byatt's (and class members') private browsing information would not be collected
24 by Google. Users did not need any Google account to browse privately, using Incognito mode or
25 otherwise. Further, to the best of Plaintiff Byatt's knowledge, he has never logged into any Google
26 accounts in Chrome when using Chrome's private browsing mode.

27 Notwithstanding and subject to these objections, Plaintiff Byatt admits that, when he
28 opened his Google Account, although he does not recall exact details of the then-current Privacy

Policy, he reviewed and generally consented to the then-current Privacy Policy, and he recalls the disclosures in the Privacy Policy promising that Google would not intercept and collect his private browsing activity, and he did not consent to that interception and collection. Otherwise Denied

Dated: May 24, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

John A. Yanchunis (*pro hac vice*)

Ryan J. McGee (*pro hac vice*)

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Attorneys for Plaintiffs

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's First Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26
27 /s/ Jennifer Cabezas
28 Jennifer Cabezas

EXHIBIT 3

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF CHRISTOPHER CASTILLO'S AMENDED OBJECTIONS AND RESPONSE
TO DEFENDANT'S FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure Rules 26 and 36, Plaintiff Christopher Castillo ("Castillo") hereby objects and responds to Defendant's, Google LLC ("Google"), First Set of Requests for Admission (No. 1). These objections and response are made solely for the purpose of and in relation to this action. In addition, the objections and response set forth in this document are based on Plaintiff Castillo's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Castillo may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Castillo reserves all rights to supplement and amend his objections and response accordingly.

REQUEST FOR ADMISSION NO. 1:

Admit that, when YOU signed up for YOUR Google Account, YOU reviewed and consented to the GOOGLE PRIVACY POLICY.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff Castillo objects to this Request to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Castillo's allegations relate to Google's conduct of secretly and unlawfully intercepting,

1 collecting data from, analyzing, and monetizing Plaintiff Castillo's (and class members') browsing
2 activity conducted in private browsing mode, despite Google's representations (including without
3 limitation in the Incognito private browsing mode) that private browsing mode was private and
4 that Plaintiff Castillo's (and class members') private browsing information would not be collected
5 by Google. Users did not need any Google account to browse privately, using Incognito mode or
6 otherwise. Further, to the best of Plaintiff Castillo's knowledge, he has never logged into any
7 Google accounts in Chrome when using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Castillo admits that, at or around
10 the time he opened his Google Account and at times thereafter, he reviewed Google representations
11 that he was in "control" of what information Google collects and could exercise such control by
12 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
13 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (*i.e.*,
14 the Incognito splash screen that he reviewed each time he began a private browsing mode session
15 in Chrome), to be the Google Privacy Policy. Otherwise Denied.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

17 Plaintiff Castillo objects to this Request to the extent it purports to suggest that review of
18 and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation.
19 Plaintiff Castillo's allegations relate to Google's conduct of secretly and unlawfully intercepting,
20 collecting data from, analyzing, and monetizing Plaintiff Castillo's (and class members') browsing
21 activity conducted in private browsing mode, despite Google's representations (including without
22 limitation in the Incognito private browsing mode) that private browsing mode was private and
23 that Plaintiff Castillo's (and class members') private browsing information would not be collected
24 by Google. Users did not need any Google account to browse privately, using Incognito mode or
25 otherwise. Further, to the best of Plaintiff Castillo's knowledge, he has never logged into any
26 Google accounts in Chrome when using Chrome's private browsing mode.

27 Notwithstanding and subject to these objections, Plaintiff Castillo admits that, when he
28 opened his Google Account, although he does not recall exact details of the then-current Privacy

1 Policy, he reviewed and generally consented to the then-current Privacy Policy, and he recalls the
2 disclosures in the Privacy Policy promising that Google would not intercept and collect his private
3 browsing activity, and he did not consent to that interception and collection. Otherwise Denied.

4 Dated: May 24, 2021

MORGAN & MORGAN

5 /s/ John A. Yanchunis

6 John A. Yanchunis (*pro hac vice*)

7 Ryan J. McGee (*pro hac vice*)

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Attorneys for Plaintiffs

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's First Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

Andrew H. Schapiro (pro hac vice)
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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26
27 /s/ Jennifer Cabezas
28 Jennifer Cabezas

EXHIBIT 4

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF JEREMY DAVIS' AMENDED OBJECTIONS AND RESPONSE
TO DEFENDANT'S FIRST SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rules of Civil Procedure Rules 26 and 36, Plaintiff Jeremy Davis ("Davis") hereby objects and responds to Defendant's, Google LLC ("Google"), First Set of Requests for Admission (No. 1). These objections and response are made solely for the purpose of and in relation to this action. In addition, the objections and response set forth in this document are based on Plaintiff Davis' knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Davis may become aware of additional facts or evidence and its analysis of the case may change. Plaintiff Davis reserves all rights to supplement and amend his objections and response accordingly.

REQUEST FOR ADMISSION NO. 1:

Admit that, when YOU signed up for YOUR Google Account, YOU reviewed and consented to the GOOGLE PRIVACY POLICY.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff Davis objects to this Request to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Davis' allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting

1 data from, analyzing, and monetizing Plaintiff Davis' (and class members') browsing activity
2 conducted in private browsing mode, despite Google's representations (including without
3 limitation in the Incognito private browsing mode) that private browsing mode was private and
4 that Plaintiff Davis' (and class members') private browsing information would not be collected by
5 Google. Users did not need any Google account to browse privately, using Incognito mode or
6 otherwise. Further, to the best of Plaintiff Davis' knowledge, he has never logged into any Google
7 accounts in Chrome when using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Davis admits that, at or around
10 the time he opened his Google Account and at times thereafter, he reviewed Google representations
11 that he was in "control" of what information Google collects and could exercise such control by
12 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
13 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (*i.e.*,
14 the Incognito splash screen that he reviewed each time he began a private browsing mode session
15 in Chrome), to be the Google Privacy Policy. Otherwise Denied.

16 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

17 Plaintiff Davis objects to this Request to the extent it purports to suggest that review of and
18 consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff
19 Davis' allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting
20 data from, analyzing, and monetizing Plaintiff Davis' (and class members') browsing activity
21 conducted in private browsing mode, despite Google's representations (including without
22 limitation in the Incognito private browsing mode) that private browsing mode was private and
23 that Plaintiff Davis' (and class members') private browsing information would not be collected by
24 Google. Users did not need any Google account to browse privately, using Incognito mode or
25 otherwise. Further, to the best of Plaintiff Davis' knowledge, he has never logged into any Google
26 accounts in Chrome when using Chrome's private browsing mode.

27 Notwithstanding and subject to these objections, Plaintiff Davis admits that, when he
28 opened his Google Account, although he does not recall exact details of the then-current Privacy

1 Policy, he reviewed and generally consented to the then-current Privacy Policy, and he recalls the
2 disclosures in the Privacy Policy promising that Google would not intercept and collect his private
3 browsing activity, and he did not consent to that interception and collection. Otherwise Denied.

4 Dated: May 24, 2021

MORGAN & MORGAN

5 /s/ John A. Yanchunis

6 John A. Yanchunis (*pro hac vice*)

7 Ryan J. McGee (*pro hac vice*)

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PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's First Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26
27 /s/ Jennifer Cabezas
28 Jennifer Cabezas

EXHIBIT 5

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF CHASOM BROWN'S AMENDED OBJECTIONS AND RESPONSES
TO DEFENDANT'S SECOND SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure Rule 36, Plaintiff Chasom Brown ("Brown") hereby objects and responds to Defendant's, Google LLC ("Google"), Second Set of Requests for Admission (Nos. 2–21). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Brown's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Brown may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Brown reserves all rights to supplement and amend his objections and responses accordingly.

REQUEST FOR ADMISSION NO. 2:

Admit that, when YOU signed up for YOUR GOOGLE ACCOUNT, YOU indicated to Google that YOU agreed to Google's then-current TERMS OF SERVICE.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Plaintiff Brown objects to this Request as vague and overly broad to the extent Google relies on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Brown cannot be expected to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to

1 in this Request. Plaintiff Brown further objects to this Request to the extent it purports to suggest
2 that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
3 litigation. Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully
4 intercepting, collecting data from, analyzing, and monetizing Plaintiff Brown's (and class
5 members') browsing activity conducted in private browsing mode, despite Google's
6 representations (including without limitation in the Incognito private browsing mode) that private
7 browsing mode was private and that Plaintiff Brown's (and class members') private browsing
8 information would not be collected by Google. Users did not need any Google account to browse
9 privately, using Incognito mode or otherwise. Further, to the best of Plaintiff Brown's knowledge,
10 he has never logged into any Google accounts in Chrome when using Chrome's private browsing
11 mode.

12 Notwithstanding and subject to these objections, Plaintiff Brown admits that, at or around
13 the time he opened his Google Account and at times thereafter, he reviewed Google's
14 representations that he was in "control" of what information Google collects and could exercise
15 such control by enabling private browsing mode, such as the representations outlined in paragraphs
16 2 and 42 of the First Amended Complaint, which made clear that he was in "control" of what
17 information Google collects. He understands this, along with the Chrome Incognito Notice (i.e.,
18 the Incognito splash screen that he reviewed each time he began a private browsing mode session
19 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
20 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
21 Complaint. Otherwise Denied.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

23 Plaintiff Brown objects to this Request as vague and overly broad to the extent Google
24 relies on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Brown cannot be
25 expected to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to
26 in this Request. Plaintiff Brown further objects to this Request to the extent it purports to suggest
27 that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
28

1 litigation. Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully
2 intercepting, collecting data from, analyzing, and monetizing Plaintiff Brown's (and class
3 members') browsing activity conducted in private browsing mode, despite Google's
4 representations (including without limitation in the Incognito private browsing mode) that private
5 browsing mode was private and that Plaintiff Brown's (and class members') private browsing
6 information would not be collected by Google. Users did not need any Google account to browse
7 privately, using Incognito mode or otherwise. Further, to the best of Plaintiff Brown's knowledge,
8 he has never logged into any Google accounts in Chrome when using Chrome's private browsing
9 mode.

10 Notwithstanding and subject to these objections, Plaintiff Brown admits that, when he
11 signed up for his Google Account, although he does not recall the exact details of the then-current
12 Terms of Service, he indicated to Google that he generally agreed to Google's then-current Terms
13 of Service—which incorporates the Google Chrome and Chrome OS Additional Terms of Service,
14 the Chrome Privacy Notice, the Privacy Policy, the "Search & Browse Privately" page, and the
15 Incognito Screen—and he recalls the disclosures promising that Google would not intercept and
16 collect his private browsing activity, and did he not consent to that interception and collection.
17 Otherwise Denied.

18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit that YOU reviewed the GOOGLE PRIVACY POLICY before you first used
20 INCOGNITO MODE.

21 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

22 Plaintiff Brown objects to this Request as vague and overly broad to the extent Google has
23 defined the GOOGLE PRIVACY POLICY to include the policy available at
24 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Brown further
25 objects to this Request to the extent it purports to suggest that review of and consent to Google's
26 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Brown's allegations
27 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
28

1 and monetizing Plaintiff Brown's (and class members') browsing activity conducted in private
2 browsing mode, despite Google's representations (including without limitation in the Incognito
3 private browsing mode) that private browsing mode was private and that Plaintiff Brown's (and
4 class members') private browsing information would not be collected by Google. Users did not
5 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
6 best of Plaintiff Brown's knowledge, he has never logged into any Google accounts in Chrome
7 when using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Brown admits that, at or around
10 the time he opened his Google Account and at times thereafter, he reviewed Google representations
11 that he was in "control" of what information Google collects and could exercise such control by
12 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
13 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
14 the Incognito splash screen that he reviewed each time he began a private browsing mode session
15 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
16 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
17 Complaint. Otherwise Denied.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

19 Plaintiff Brown objects to this Request as vague and overly broad to the extent Google has
20 defined the GOOGLE PRIVACY POLICY to include the policy available at
21 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Brown further
22 objects to this Request to the extent it purports to suggest that review of and consent to Google's
23 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Brown's allegations
24 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
25 and monetizing Plaintiff Brown's (and class members') browsing activity conducted in private
26 browsing mode, despite Google's representations (including without limitation in the Incognito
27 private browsing mode) that private browsing mode was private and that Plaintiff Brown's (and
28 class members') private browsing information would not be collected by Google. Users did not

1 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
2 best of Plaintiff Brown's knowledge, he has never logged into any Google accounts in Chrome
3 when using Chrome's private browsing mode.

4 Notwithstanding and subject to these objections, Plaintiff Brown admits that he is not sure
5 whether he reviewed the then-current Google Privacy Policy before he first used Incognito Mode,
6 but he did review the Incognito Splash Screen before he first used Incognito Mode and each time
7 thereafter, which did not state that Google would intercept and collect his private browsing
8 activity. Plaintiff Brown did not consent to that interception and collection of his private browsing
9 activity. Otherwise Denied.

10 **REQUEST FOR ADMISSION NO. 4:**

11 Admit that YOU have never indicated to Google that YOU did not agree to the GOOGLE
12 PRIVACY POLICY.

13 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

14 Plaintiff Brown objects to this Request as vague and overly broad to the extent Google has
15 defined the GOOGLE PRIVACY POLICY to include the policy available at
16 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Brown further
17 objects to this Request to the extent it purports to suggest that review of and consent to Google's
18 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Brown's allegations
19 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
20 and monetizing Plaintiff Brown's (and class members') browsing activity conducted in private
21 browsing mode, despite Google's representations (including without limitation in the Incognito
22 private browsing mode) that private browsing mode was private and that Plaintiff Brown's (and
23 class members') private browsing information would not be collected by Google. Users did not
24 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
25 best of Plaintiff Brown's knowledge, he has never logged into any Google accounts in Chrome
26 when using Chrome's private browsing mode.

27
28

1 Notwithstanding and subject to these objections, Plaintiff Brown admits that, at or around
2 the time he opened his Google Account and at times thereafter, he reviewed Google representations
3 that he was in “control” of what information Google collects and could exercise such control by
4 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
5 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
6 the Incognito splash screen that he reviewed each time he began a private browsing mode session
7 in Chrome), to be the Google Privacy Policy. To the extent Google’s defined “Google Privacy
8 Policy” is applicable, it did not provide consent to Google’s conduct alleged in the First Amended
9 Complaint. Otherwise Denied.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

11 Plaintiff Brown objects to this Request as vague and overly broad to the extent Google has
12 defined the GOOGLE PRIVACY POLICY to include the policy available at
13 <https://policies.google.com/privacy> “and any prior version of this policy.” Plaintiff Brown further
14 objects to this Request to the extent it purports to suggest that review of and consent to Google’s
15 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Brown’s allegations
16 relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
17 and monetizing Plaintiff Brown’s (and class members’) browsing activity conducted in private
18 browsing mode, despite Google’s representations (including without limitation in the Incognito
19 private browsing mode) that private browsing mode was private and that Plaintiff Brown’s (and
20 class members’) private browsing information would not be collected by Google. Users did not
21 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
22 best of Plaintiff Brown’s knowledge, he has never logged into any Google accounts in Chrome
23 when using Chrome’s private browsing mode.

24 Notwithstanding and subject to these objections, Plaintiff Brown admits that, prior to filing
25 this lawsuit, he did not indicate to Google that he did not agree to the then-current Google Privacy
26 Policy. However, Google’s Privacy Policy does not disclose Google’s alleged data collection while
27 users are in private browsing mode, and he never consented to Google’s interception and collection
28

1 of his private browsing activity. Plaintiff Brown further states that the filing of this lawsuit put
2 Google on notice that its continued interception and collection of his and Class Members' private
3 browsing activity is without consent and contrary to the law. Otherwise Denied.

4 **REQUEST FOR ADMISSION NO. 5:**

5 Admit that the GOOGLE PRIVACY POLICY discloses that Google collects through its
6 SERVICES the categories of Data that YOUR FAC alleges Google illegally "intercepted." *See*,
7 *e.g.*, FAC ¶¶ 202-17.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

9 Denied.

10 **REQUEST FOR ADMISSION NO. 6:**

11 Admit that each GOOGLE PRIVACY POLICY YOU reviewed disclosed that Google
12 collects information about users' visits to websites that use Google's services.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

14 Denied.

15 **REQUEST FOR ADMISSION NO. 7:**

16 Admit that the GOOGLE PRIVACY POLICY does not represent that using private
17 browsing mode will prevent Google from receiving information through its SERVICES.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

19 Denied.

20 **REQUEST FOR ADMISSION NO. 8:**

21 Admit that, during the CLASS PERIOD, YOU were aware that "Google collects
22 information about the web-browsing activity of users who are not in 'private browsing mode.'" *See* FAC ¶ 163.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

24 Plaintiff Brown admits that he was aware that Google was online collecting data
25 sometimes, when he was not browsing in private mode, but did not understand exactly how.
26 Otherwise denied.
27
28

REQUEST FOR ADMISSION NO. 9:

Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were aware that the websites may record data associated with your visit (for example, on the websites' servers), including the webpages YOU viewed.

RESPONSE TO REQUEST FOR ADMISSION NO. 9:

Denied.

REQUEST FOR ADMISSION NO. 10:

Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were aware that your alleged COMMUNICATIONS with the websites might be recorded by the websites (for example, on the websites' servers).

RESPONSE TO REQUEST FOR ADMISSION NO. 10:

Denied.

REQUEST FOR ADMISSION NO. 11:

Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were aware that your alleged COMMUNICATIONS with the websites might be visible to YOUR internet service provider.

RESPONSE TO REQUEST FOR ADMISSION NO. 11:

Denied.

REQUEST FOR ADMISSION NO. 12:

Admit that, during the CLASS PERIOD, you understood the terms "private browsing" and "browse privately" in the Google disclosures that YOU allege YOU reviewed did not mean that your internet browsing activity would be completely private from everyone.

RESPONSE TO REQUEST FOR ADMISSION NO. 12:

Plaintiff Brown admits that, when he visited websites using Chrome in Incognito mode, his activity might still be visible to those websites, his employer or school, and/or his internet service provider. Plaintiff Brown did not, however, consent to Google's interception of that activity. Otherwise denied.

REQUEST FOR ADMISSION NO. 13:

Admit that when YOU browsed the web in Incognito mode, YOU understood that cookies could still be placed on YOUR browser and would be deleted when YOU closed YOUR Incognito window or tab.

RESPONSE TO REQUEST FOR ADMISSION NO. 13:

Denied.

REQUEST FOR ADMISSION NO. 14:

Admit that, when YOU browsed the web in Incognito mode, YOU understood that YOUR activity might still be visible to the websites YOU visited and YOUR internet service provider.

RESPONSE TO REQUEST FOR ADMISSION NO. 14:

Plaintiff Brown admits that, when he visited websites using Chrome in Incognito mode, his activity might still be visible to those websites. Plaintiff Brown further admits that, when he visited websites using Chrome in Incognito mode, his activity might still be visible to his internet service provider. Plaintiff Brown did not, however, consent to Google's interception of that activity. Otherwise Denied.

REQUEST FOR ADMISSION NO. 15:

Admit that the INCOGNITO NOTICE does not represent that Incognito mode prevents Google from collecting the information that you allege Google illegally "intercepted."

RESPONSE TO REQUEST FOR ADMISSION NO. 15:

Denied.

REQUEST FOR ADMISSION NO. 16:

Admit that YOU became "aware that [YOU are] able to sell [YOUR] own personal data, via other websites such as Killi," *see* FAC ¶¶ 170,175, 180, 185, 190, only after YOU retained YOUR counsel in this action.

RESPONSE TO REQUEST FOR ADMISSION NO. 16:

Denied.

REQUEST FOR ADMISSION NO. 17:

1 Admit that Google's alleged conduct has not affected YOUR alleged ability "to sell
2 [YOUR] own personal data, via other websites such as Killi." *See* FAC ¶¶ 170, 175, 180, 185, 190.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

4 Denied.

5 **REQUEST FOR ADMISSION NO. 18:**

6 Admit that YOU did not download and install Google's Analytics Opt-Out Browser Add-
7 on available at <https://tools.google.com/dlpage/gaoptout>.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

9 Plaintiff Brown objects to this Request to the extent it purports to suggest that either
10 downloading and/or installing Google's Analytics Opt-Out Browser Add-on is a necessary
11 predicate for any claim in this litigation. Plaintiff Brown's allegations relate to Google's conduct
12 of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff
13 Brown's (and class members') browsing activity conducted in private browsing mode, despite
14 Google's representations (including without limitation in the Incognito private browsing mode)
15 that private browsing mode was private and that Plaintiff Brown's (and class members') private
16 browsing information would not be collected by Google. Users did not need to download and/or
17 install Google's Analytics Opt-Out Browser to browse privately, using Incognito mode or
18 otherwise.

19 Notwithstanding and subject to these objections, Plaintiff Brown admits that he did not
20 download or install Google's Analytics Opt-Out Browser Add-on, but this did not provide consent
21 to Google's conduct alleged in the First Amended Complaint. Otherwise denied.

22 **REQUEST FOR ADMISSION NO. 19:**

23 Admit that YOU did not change the default cookie settings on your browser.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

25 Plaintiff Brown objects to this Request to the extent it purports to suggest that review of
26 changing the "default cookie settings" on the browser is a necessary predicate for any claim in this
27 litigation. Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully
28

1 intercepting, collecting data from, analyzing, and monetizing Plaintiff Brown's (and class
2 members') browsing activity conducted in private browsing mode, despite Google's
3 representations (including without limitation in the Incognito private browsing mode) that private
4 browsing mode was private and that Plaintiff Brown's (and class members') private browsing
5 information would not be collected by Google. Users did not need to change the "default cookie
6 settings" on their browser to browse privately, using Incognito mode or otherwise.

7
8 Notwithstanding and subject to these objections, Plaintiff Brown admits that he did not
9 change the "default cookie settings" on his browser, but this did not provide consent to Google's
10 conduct alleged in the First Amended Complaint. Otherwise denied.

11 **REQUEST FOR ADMISSION NO. 20:**

12 Admit that YOU did not opt out of ad personalization at <https://adssettings.google.com>.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

14 Plaintiff Brown objects to this Request to the extent it purports to suggest that opting out
15 of ad personalization at <https://adssettings.google.com> is a necessary predicate for any claim in
16 this litigation. Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully
17 intercepting, collecting data from, analyzing, and monetizing Plaintiff Brown's (and class
18 members') browsing activity conducted in private browsing mode, despite Google's
19 representations (including without limitation in the Incognito private browsing mode) that private
20 browsing mode was private and that Plaintiff Brown's (and class members') private browsing
21 information would not be collected by Google. Users did not need to opt out of ad personalization
22 at <https://adssettings.google.com> to browse privately, using Incognito mode or otherwise.

23 Notwithstanding and subject to these objections, Plaintiff Brown admits that he did not opt
24 out of ad personalization at <https://adssettings.google.com>, but this did not provide consent to
25 Google's conduct alleged in the First Amended Complaint. Otherwise denied.

26 **REQUEST FOR ADMISSION NO. 21:**

27 Admit that YOU did not retain any information identifying the cookies Google allegedly
28 set on your browser while YOU were private browsing.

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

While browsing privately, Plaintiff Brown admits that he was not aware that Google was placing cookies on his browser, therefore Plaintiff Brown could not have retained any information identifying the cookies Google placed. Plaintiff Brown's claims are about Google Analytics. Any cookie data that is collected by Google would be in Google's possession, and not on Plaintiff Brown's devices. Regardless, Google has yet to disclose to Plaintiff Brown how exactly it is collecting and using Plaintiff Brown's data in private browsing. Otherwise denied.

Dated: May 24, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

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Attorneys for Plaintiffs

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's Second Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26
27 /s/ Jennifer Cabezas
28 Jennifer Cabezas

EXHIBIT 6

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF WILLIAM BYATT'S AMENDED OBJECTIONS AND RESPONSES
TO DEFENDANT'S SECOND SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure Rule 36, Plaintiff William Byatt ("Byatt") hereby objects and responds to Defendant's, Google LLC ("Google"), Second Set of Requests for Admission (Nos. 2–21). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Byatt's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Byatt may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Byatt reserves all rights to supplement and amend his objections and responses accordingly.

REQUEST FOR ADMISSION NO. 2:

Admit that, when YOU signed up for YOUR GOOGLE ACCOUNT, YOU indicated to Google that YOU agreed to Google's then-current TERMS OF SERVICE.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Plaintiff Byatt objects to this Request as vague and overly broad to the extent Google relies on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Byatt cannot be expected to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to in this

1 Request. Plaintiff Byatt further objects to this Request to the extent it purports to suggest that
2 review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
3 litigation. Plaintiff Byatt's allegations relate to Google's conduct of secretly and unlawfully
4 intercepting, collecting data from, analyzing, and monetizing Plaintiff Byatt's (and class
5 members') browsing activity conducted in private browsing mode, despite Google's
6 representations (including without limitation in the Incognito private browsing mode) that private
7 browsing mode was private and that Plaintiff Byatt's (and class members') private browsing
8 information would not be collected by Google. Users did not need any Google account to browse
9 privately, using Incognito mode or otherwise. Further, to the best of Plaintiff Byatt's knowledge,
10 he has never logged into any Google accounts in Chrome when using Chrome's private browsing
11 mode.

12 Notwithstanding and subject to these objections, Plaintiff Byatt admits that, at or around
13 the time he opened his Google Account and at times thereafter, he reviewed Google's
14 representations that he was in "control" of what information Google collects and could exercise
15 such control by enabling private browsing mode, such as the representations outlined in paragraphs
16 2 and 42 of the First Amended Complaint, which made clear that he was in "control" of what
17 information Google collects. He understands this, along with the Chrome Incognito Notice (i.e.,
18 the Incognito splash screen that he reviewed each time he began a private browsing mode session
19 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
20 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
21 Complaint. Otherwise Denied.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

23 Plaintiff Byatt objects to this Request as vague and overly broad to the extent Google relies
24 on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Byatt cannot be expected
25 to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to in this
26 Request. Plaintiff Byatt further objects to this Request to the extent it purports to suggest that
27 review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
28

1 litigation. Plaintiff Byatt's allegations relate to Google's conduct of secretly and unlawfully
2 intercepting, collecting data from, analyzing, and monetizing Plaintiff Byatt's (and class
3 members') browsing activity conducted in private browsing mode, despite Google's
4 representations (including without limitation in the Incognito private browsing mode) that private
5 browsing mode was private and that Plaintiff Byatt's (and class members') private browsing
6 information would not be collected by Google. Users did not need any Google account to browse
7 privately, using Incognito mode or otherwise. Further, to the best of Plaintiff Byatt's knowledge,
8 he has never logged into any Google accounts in Chrome when using Chrome's private browsing
9 mode.

10 Notwithstanding and subject to these objections, Plaintiff Byatt admits that, when he signed
11 up for his Google Account, although he does not recall the exact details of the then-current Terms
12 of Service, he indicated to Google that he generally agreed to Google's then-current Terms of
13 Service—which incorporates the Google Chrome and Chrome OS Additional Terms of Service,
14 the Chrome Privacy Notice, the Privacy Policy, the "Search & Browse Privately" page, and the
15 Incognito Screen—and he recalls the disclosures promising that Google would not intercept and
16 collect his private browsing activity, and did he not consent to that interception and collection.
17 Otherwise Denied.

18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit that YOU reviewed the GOOGLE PRIVACY POLICY before you first used
20 INCOGNITO MODE.

21 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

22 Plaintiff Byatt objects to this Request as vague and overly broad to the extent Google has
23 defined the GOOGLE PRIVACY POLICY to include the policy available at
24 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Byatt further
25 objects to this Request to the extent it purports to suggest that review of and consent to Google's
26 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Byatt's allegations
27 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
28

1 and monetizing Plaintiff Byatt's (and class members') browsing activity conducted in private
2 browsing mode, despite Google's representations (including without limitation in the Incognito
3 private browsing mode) that private browsing mode was private and that Plaintiff Byatt's (and
4 class members') private browsing information would not be collected by Google. Users did not
5 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
6 best of Plaintiff Byatt's knowledge, he has never logged into any Google accounts in Chrome when
7 using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Byatt admits that, at or around
10 the time he opened his Google Account and at times thereafter, he reviewed Google representations
11 that he was in "control" of what information Google collects and could exercise such control by
12 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
13 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
14 the Incognito splash screen that he reviewed each time he began a private browsing mode session
15 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
16 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
17 Complaint. Otherwise Denied.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

19 Plaintiff Byatt objects to this Request as vague and overly broad to the extent Google has
20 defined the GOOGLE PRIVACY POLICY to include the policy available at
21 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Byatt further
22 objects to this Request to the extent it purports to suggest that review of and consent to Google's
23 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Byatt's allegations
24 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
25 and monetizing Plaintiff Byatt's (and class members') browsing activity conducted in private
26 browsing mode, despite Google's representations (including without limitation in the Incognito
27 private browsing mode) that private browsing mode was private and that Plaintiff Byatt's (and
28 class members') private browsing information would not be collected by Google. Users did not

1 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
2 best of Plaintiff Byatt's knowledge, he has never logged into any Google accounts in Chrome when
3 using Chrome's private browsing mode.

4 Notwithstanding and subject to these objections, Plaintiff Byatt admits that he believes that
5 he reviewed the then-current Google Privacy Policy before he first used Incognito Mode, and he
6 recalls reviewing the Incognito Splash Screen before he first used Incognito Mode and each time
7 thereafter, and neither the Google Privacy Policy nor the Incognito Splash Screen stated that
8 Google would intercept and collect his private browsing activity. Plaintiff Byatt did not consent to
9 that interception and collection of his private browsing activity. Otherwise Denied.

10 **REQUEST FOR ADMISSION NO. 4:**

11 Admit that YOU have never indicated to Google that YOU did not agree to the GOOGLE
12 PRIVACY POLICY.

13 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

14 Plaintiff Byatt objects to this Request as vague and overly broad to the extent Google has
15 defined the GOOGLE PRIVACY POLICY to include the policy available at
16 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Byatt further
17 objects to this Request to the extent it purports to suggest that review of and consent to Google's
18 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Byatt's allegations
19 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
20 and monetizing Plaintiff Byatt's (and class members') browsing activity conducted in private
21 browsing mode, despite Google's representations (including without limitation in the Incognito
22 private browsing mode) that private browsing mode was private and that Plaintiff Byatt's (and
23 class members') private browsing information would not be collected by Google. Users did not
24 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
25 best of Plaintiff Byatt's knowledge, he has never logged into any Google accounts in Chrome when
26 using Chrome's private browsing mode.

27
28

1 Notwithstanding and subject to these objections, Plaintiff Byatt admits that, at or around
2 the time he opened his Google Account and at times thereafter, he reviewed Google representations
3 that he was in “control” of what information Google collects and could exercise such control by
4 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
5 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
6 the Incognito splash screen that he reviewed each time he began a private browsing mode session
7 in Chrome), to be the Google Privacy Policy. To the extent Google’s defined “Google Privacy
8 Policy” is applicable, it did not provide consent to Google’s conduct alleged in the First Amended
9 Complaint. Otherwise Denied.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

11 Plaintiff Byatt objects to this Request as vague and overly broad to the extent Google has
12 defined the GOOGLE PRIVACY POLICY to include the policy available at
13 <https://policies.google.com/privacy> “and any prior version of this policy.” Plaintiff Byatt further
14 objects to this Request to the extent it purports to suggest that review of and consent to Google’s
15 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Byatt’s allegations
16 relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
17 and monetizing Plaintiff Byatt’s (and class members’) browsing activity conducted in private
18 browsing mode, despite Google’s representations (including without limitation in the Incognito
19 private browsing mode) that private browsing mode was private and that Plaintiff Byatt’s (and
20 class members’) private browsing information would not be collected by Google. Users did not
21 need any Google account to browse privately, using Incognito mode or otherwise. Further, to the
22 best of Plaintiff Byatt’s knowledge, he has never logged into any Google accounts in Chrome when
23 using Chrome’s private browsing mode.

24 Notwithstanding and subject to these objections, Plaintiff Byatt admits that, prior to
25 discovering this lawsuit, Plaintiff Byatt did not indicate to Google that he did not agree to the then-
26 current Google Privacy Policy. However, Google’s Privacy Policy does not disclose Google’s
27 alleged data collection while users are in private browsing mode, and he never consented to
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1 Google's interception and collection of his private browsing activity. Plaintiff Byatt further states
2 that this lawsuit put Google on notice that its continued interception and collection of his and Class
3 Members' private browsing activity is without consent and contrary to the law. Otherwise Denied.

4 **REQUEST FOR ADMISSION NO. 5:**

5 Admit that the GOOGLE PRIVACY POLICY discloses that Google collects through its
6 SERVICES the categories of Data that YOUR FAC alleges Google illegally "intercepted." *See*,
7 *e.g.*, FAC ¶¶ 202-17.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

9 Denied.

10 **REQUEST FOR ADMISSION NO. 6:**

11 Admit that each GOOGLE PRIVACY POLICY YOU reviewed disclosed that Google
12 collects information about users' visits to websites that use Google's services.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

14 Denied.

15 **REQUEST FOR ADMISSION NO. 7:**

16 Admit that the GOOGLE PRIVACY POLICY does not represent that using private
17 browsing mode will prevent Google from receiving information through its SERVICES.

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

19 Denied.

20 **REQUEST FOR ADMISSION NO. 8:**

21 Admit that, during the CLASS PERIOD, YOU were aware that "Google collects
22 information about the web-browsing activity of users who are not in 'private browsing mode.'" *See* FAC ¶ 163.

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

24 Plaintiff Byatt admits that he was aware that Google was online collecting data sometimes,
25 when he was not browsing in private mode, but did not understand exactly how. Otherwise denied.

26 **REQUEST FOR ADMISSION NO. 9:**

27

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1 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
2 aware that the websites may record data associated with your visit (for example, on the websites'
3 servers), including the webpages YOU viewed.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

5 Denied.

6 **REQUEST FOR ADMISSION NO. 10:**

7 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
8 aware that your alleged COMMUNICATIONS with the websites might be recorded by the
9 websites (for example, on the websites' servers).

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

11 Denied.

12 **REQUEST FOR ADMISSION NO. 11:**

13 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
14 aware that your alleged COMMUNICATIONS with the websites might be visible to YOUR
15 internet service provider.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

17 Denied.

18 **REQUEST FOR ADMISSION NO. 12:**

19 Admit that, during the CLASS PERIOD, you understood the terms "private browsing" and
20 "browse privately" in the Google disclosures that YOU allege YOU reviewed did not mean that
21 your internet browsing activity would be completely private from everyone.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

23 Plaintiff Byatt admits that, when he visited websites using Chrome in Incognito mode, his
24 activity might still be visible to those websites, his employer or school, and/or his internet service
25 provider. Plaintiff Byatt did not, however, consent to Google's interception of that activity.
26 Otherwise denied.

27 **REQUEST FOR ADMISSION NO. 13:**
28

1 Admit that when YOU browsed the web in Incognito mode, YOU understood that cookies
2 could still be placed on YOUR browser and would be deleted when YOU closed YOUR Incognito
3 window or tab.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

5 Denied.

6 **REQUEST FOR ADMISSION NO. 14:**

7 Admit that, when YOU browsed the web in Incognito mode, YOU understood that YOUR
8 activity might still be visible to the websites YOU visited and YOUR internet service provider.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

10 Plaintiff Byatt admits that, when he visited websites using Chrome in Incognito mode, his
11 activity might still be visible to those websites. Plaintiff Byatt further admits that, when he visited
12 websites using Chrome in Incognito mode, his activity might still be visible to his internet service
13 provider. Plaintiff Byatt did not, however, consent to Google's interception of that activity.
14 Otherwise Denied.

15 **REQUEST FOR ADMISSION NO. 15:**

16 Admit that the INCOGNITO NOTICE does not represent that Incognito mode prevents
17 Google from collecting the information that you allege Google illegally "intercepted."

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

19 Denied.

20 **REQUEST FOR ADMISSION NO. 16:**

21 Admit that YOU became "aware that [YOU are] able to sell [YOUR] own personal data,
22 via other websites such as Killi," *see* FAC ¶¶ 170,175, 180, 185, 190, only after YOU retained
23 YOUR counsel in this action.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

25 Denied.

26 **REQUEST FOR ADMISSION NO. 17:**

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1 Admit that Google's alleged conduct has not affected YOUR alleged ability "to sell
2 [YOUR] own personal data, via other websites such as Killi." *See* FAC ¶¶ 170, 175, 180, 185, 190.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

4 Denied.

5 **REQUEST FOR ADMISSION NO. 18:**

6 Admit that YOU did not download and install Google's Analytics Opt-Out Browser Add-
7 on available at <https://tools.google.com/dlpage/gaoptout>.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

9 Plaintiff Byatt objects to this Request to the extent it purports to suggest that either
10 downloading and/or installing Google's Analytics Opt-Out Browser Add-on is a necessary
11 predicate for any claim in this litigation. Plaintiff Byatt's allegations relate to Google's conduct of
12 secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff
13 Byatt's (and class members') browsing activity conducted in private browsing mode, despite
14 Google's representations (including without limitation in the Incognito private browsing mode)
15 that private browsing mode was private and that Plaintiff Byatt's (and class members') private
16 browsing information would not be collected by Google. Users did not need to download and/or
17 install Google's Analytics Opt-Out Browser to browse privately, using Incognito mode or
18 otherwise.

19 Notwithstanding and subject to these objections, Plaintiff Byatt admits that he did not
20 download or install Google's Analytics Opt-Out Browser Add-on, but this did not provide consent
21 to Google's conduct alleged in the First Amended Complaint. Otherwise denied.

22 **REQUEST FOR ADMISSION NO. 19:**

23 Admit that YOU did not change the default cookie settings on your browser.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

25 Plaintiff Byatt objects to this Request to the extent it purports to suggest that review of
26 changing the "default cookie settings" on the browser is a necessary predicate for any claim in this
27 litigation. Plaintiff Byatt's allegations relate to Google's conduct of secretly and unlawfully
28

1 intercepting, collecting data from, analyzing, and monetizing Plaintiff Byatt's (and class
2 members') browsing activity conducted in private browsing mode, despite Google's
3 representations (including without limitation in the Incognito private browsing mode) that private
4 browsing mode was private and that Plaintiff Byatt's (and class members') private browsing
5 information would not be collected by Google. Users did not need to change the "default cookie
6 settings" on their browser to browse privately, using Incognito mode or otherwise.

7
8 Notwithstanding and subject to these objections, Plaintiff Byatt admits that he did not
9 change the "default cookie settings" on his browser, but this did not provide consent to Google's
10 conduct alleged in the First Amended Complaint. Otherwise denied.

11 **REQUEST FOR ADMISSION NO. 20:**

12 Admit that YOU did not opt out of ad personalization at <https://adssettings.google.com>.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

14 Plaintiff Byatt objects to this Request to the extent it purports to suggest that opting out of
15 ad personalization at <https://adssettings.google.com> is a necessary predicate for any claim in this
16 litigation. Plaintiff Byatt's allegations relate to Google's conduct of secretly and unlawfully
17 intercepting, collecting data from, analyzing, and monetizing Plaintiff Byatt's (and class
18 members') browsing activity conducted in private browsing mode, despite Google's
19 representations (including without limitation in the Incognito private browsing mode) that private
20 browsing mode was private and that Plaintiff Byatt's (and class members') private browsing
21 information would not be collected by Google. Users did not need to opt out of ad personalization
22 at <https://adssettings.google.com> to browse privately, using Incognito mode or otherwise.

23 Notwithstanding and subject to these objections, Plaintiff Byatt admits that he did not opt
24 out of ad personalization at <https://adssettings.google.com>, but this did not provide consent to
25 Google's conduct alleged in the First Amended Complaint. Otherwise denied.

26 **REQUEST FOR ADMISSION NO. 21:**

27 Admit that YOU did not retain any information identifying the cookies Google allegedly
28 set on your browser while YOU were private browsing.

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

While browsing privately, Plaintiff Byatt admits that he was not aware that Google was placing cookies on his browser, therefore Plaintiff Byatt could not have retained any information identifying the cookies Google placed. Plaintiff Byatt's claims are about Google Analytics. Any cookie data that is collected by Google would be in Google's possession, and not on Plaintiff Byatt's devices. Regardless, Google has yet to disclose to Plaintiff Byatt how exactly it is collecting and using Plaintiff Byatt's data in private browsing. Otherwise denied.

Dated: May 24, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

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Attorneys for Plaintiffs

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's Second Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26 /s/ Jennifer Cabezas
27 Jennifer Cabezas
28

EXHIBIT 7

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF CHRISTOPHER CASTILLO'S AMENDED OBJECTIONS AND
RESPONSES TO DEFENDANT'S SECOND SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure Rule 36, Plaintiff Christopher Castillo ("Castillo") hereby objects and responds to Defendant's, Google LLC ("Google"), Second Set of Requests for Admission (Nos. 2–21). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Castillo's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Castillo may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Castillo reserves all rights to supplement and amend his objections and responses accordingly.

REQUEST FOR ADMISSION NO. 2:

Admit that, when YOU signed up for YOUR GOOGLE ACCOUNT, YOU indicated to Google that YOU agreed to Google's then-current TERMS OF SERVICE.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Plaintiff Castillo objects to this Request as vague and overly broad to the extent Google relies on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Castillo cannot be expected to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to

1 in this Request. Plaintiff Castillo further objects to this Request to the extent it purports to suggest
2 that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
3 litigation. Plaintiff Castillo's allegations relate to Google's conduct of secretly and unlawfully
4 intercepting, collecting data from, analyzing, and monetizing Plaintiff Castillo's (and class
5 members') browsing activity conducted in private browsing mode, despite Google's
6 representations (including without limitation in the Incognito private browsing mode) that private
7 browsing mode was private and that Plaintiff Castillo's (and class members') private browsing
8 information would not be collected by Google. Users did not need any Google account to browse
9 privately, using Incognito mode or otherwise. Further, to the best of Plaintiff Castillo's knowledge,
10 he has never logged into any Google accounts in Chrome when using Chrome's private browsing
11 mode.

12 Notwithstanding and subject to these objections, Plaintiff Castillo admits that, at or around
13 the time he opened his Google Account and at times thereafter, he reviewed Google's
14 representations that he was in "control" of what information Google collects and could exercise
15 such control by enabling private browsing mode, such as the representations outlined in paragraphs
16 2 and 42 of the First Amended Complaint, which made clear that he was in "control" of what
17 information Google collects. He understands this, along with the Chrome Incognito Notice (i.e.,
18 the Incognito splash screen that he reviewed each time he began a private browsing mode session
19 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
20 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
21 Complaint. Otherwise Denied.

22 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

23 Plaintiff Castillo objects to this Request as vague and overly broad to the extent Google
24 relies on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Castillo cannot be
25 expected to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to
26 in this Request. Plaintiff Castillo further objects to this Request to the extent it purports to suggest
27 that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
28

1 litigation. Plaintiff Castillo's allegations relate to Google's conduct of secretly and unlawfully
2 intercepting, collecting data from, analyzing, and monetizing Plaintiff Castillo's (and class
3 members') browsing activity conducted in private browsing mode, despite Google's
4 representations (including without limitation in the Incognito private browsing mode) that private
5 browsing mode was private and that Plaintiff Castillo's (and class members') private browsing
6 information would not be collected by Google. Users did not need any Google account to browse
7 privately, using Incognito mode or otherwise. Further, to the best of Plaintiff Castillo's knowledge,
8 he has never logged into any Google accounts in Chrome when using Chrome's private browsing
9 mode.

10 Notwithstanding and subject to these objections, Plaintiff Castillo admits that, when he
11 signed up for his Google Account, although he does not recall the exact details of the then-current
12 Terms of Service, he indicated to Google that he generally agreed to Google's then-current Terms
13 of Service—which incorporates the Google Chrome and Chrome OS Additional Terms of Service,
14 the Chrome Privacy Notice, the Privacy Policy, the "Search & Browse Privately" page, and the
15 Incognito Screen—and he recalls the disclosures promising that Google would not intercept and
16 collect his private browsing activity, and did he not consent to that interception and collection.
17 Otherwise Denied.

18 **REQUEST FOR ADMISSION NO. 3:**

19 Admit that YOU reviewed the GOOGLE PRIVACY POLICY before you first used
20 INCOGNITO MODE.

21 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

22 Plaintiff Castillo objects to this Request as vague and overly broad to the extent Google
23 has defined the GOOGLE PRIVACY POLICY to include the policy available at
24 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Castillo further
25 objects to this Request to the extent it purports to suggest that review of and consent to Google's
26 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Castillo's
27 allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from,
28

1 analyzing, and monetizing Plaintiff Castillo's (and class members') browsing activity conducted
2 in private browsing mode, despite Google's representations (including without limitation in the
3 Incognito private browsing mode) that private browsing mode was private and that Plaintiff
4 Castillo's (and class members') private browsing information would not be collected by Google.
5 Users did not need any Google account to browse privately, using Incognito mode or otherwise.
6 Further, to the best of Plaintiff Castillo's knowledge, he has never logged into any Google accounts
7 in Chrome when using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Castillo admits that, at or around
10 the time he opened his Google Account and at times thereafter, he reviewed Google representations
11 that he was in "control" of what information Google collects and could exercise such control by
12 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
13 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
14 the Incognito splash screen that he reviewed each time he began a private browsing mode session
15 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
16 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
17 Complaint. Otherwise Denied.

18 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

19 Plaintiff Castillo objects to this Request as vague and overly broad to the extent Google
20 has defined the GOOGLE PRIVACY POLICY to include the policy available at
21 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Castillo further
22 objects to this Request to the extent it purports to suggest that review of and consent to Google's
23 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Castillo's
24 allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from,
25 analyzing, and monetizing Plaintiff Castillo's (and class members') browsing activity conducted
26 in private browsing mode, despite Google's representations (including without limitation in the
27 Incognito private browsing mode) that private browsing mode was private and that Plaintiff
28 Castillo's (and class members') private browsing information would not be collected by Google.

1 Users did not need any Google account to browse privately, using Incognito mode or otherwise.
2 Further, to the best of Plaintiff Castillo's knowledge, he has never logged into any Google accounts
3 in Chrome when using Chrome's private browsing mode.

4 Notwithstanding and subject to these objections, Plaintiff Castillo admits that he believes
5 that he reviewed the then-current Google Privacy Policy before he first used Incognito Mode, and
6 he recalls reviewing the Incognito Splash Screen before he first used Incognito Mode and each
7 time thereafter, and neither the Google Privacy Policy nor the Incognito Splash Screen stated that
8 Google would intercept and collect his private browsing activity. Plaintiff Castillo did not consent
9 to that interception and collection of his private browsing activity. Otherwise Denied.

10 **REQUEST FOR ADMISSION NO. 4:**

11 Admit that YOU have never indicated to Google that YOU did not agree to the GOOGLE
12 PRIVACY POLICY.

13 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

14 Plaintiff Castillo objects to this Request as vague and overly broad to the extent Google
15 has defined the GOOGLE PRIVACY POLICY to include the policy available at
16 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Castillo further
17 objects to this Request to the extent it purports to suggest that review of and consent to Google's
18 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Castillo's
19 allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from,
20 analyzing, and monetizing Plaintiff Castillo's (and class members') browsing activity conducted
21 in private browsing mode, despite Google's representations (including without limitation in the
22 Incognito private browsing mode) that private browsing mode was private and that Plaintiff
23 Castillo's (and class members') private browsing information would not be collected by Google.
24 Users did not need any Google account to browse privately, using Incognito mode or otherwise.
25 Further, to the best of Plaintiff Castillo's knowledge, he has never logged into any Google accounts
26 in Chrome when using Chrome's private browsing mode.
27
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1 Notwithstanding and subject to these objections, Plaintiff Castillo admits that, at or around
2 the time he opened his Google Account and at times thereafter, he reviewed Google representations
3 that he was in “control” of what information Google collects and could exercise such control by
4 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
5 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
6 the Incognito splash screen that he reviewed each time he began a private browsing mode session
7 in Chrome), to be the Google Privacy Policy. To the extent Google’s defined “Google Privacy
8 Policy” is applicable, it did not provide consent to Google’s conduct alleged in the First Amended
9 Complaint. Otherwise Denied.

10 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

11 Plaintiff Castillo objects to this Request as vague and overly broad to the extent Google
12 has defined the GOOGLE PRIVACY POLICY to include the policy available at
13 <https://policies.google.com/privacy> “and any prior version of this policy.” Plaintiff Castillo further
14 objects to this Request to the extent it purports to suggest that review of and consent to Google’s
15 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Castillo’s
16 allegations relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from,
17 analyzing, and monetizing Plaintiff Castillo’s (and class members’) browsing activity conducted
18 in private browsing mode, despite Google’s representations (including without limitation in the
19 Incognito private browsing mode) that private browsing mode was private and that Plaintiff
20 Castillo’s (and class members’) private browsing information would not be collected by Google.
21 Users did not need any Google account to browse privately, using Incognito mode or otherwise.
22 Further, to the best of Plaintiff Castillo’s knowledge, he has never logged into any Google accounts
23 in Chrome when using Chrome’s private browsing mode.

24 Notwithstanding and subject to these objections, Plaintiff Castillo admits that, prior to
25 discovering this lawsuit, Plaintiff Castillo did not indicate to Google that he did not agree to the
26 then-current Google Privacy Policy. However, Google’s Privacy Policy does not disclose Google’s
27 alleged data collection while users are in private browsing mode, and he never consented to
28

1 Google's interception and collection of his private browsing activity. Plaintiff Castillo further
2 states that this lawsuit put Google on notice that its continued interception and collection of his
3 and Class Members' private browsing activity is without consent and contrary to the law.
4 Otherwise Denied.

5 **REQUEST FOR ADMISSION NO. 5:**

6 Admit that the GOOGLE PRIVACY POLICY discloses that Google collects through its
7 SERVICES the categories of Data that YOUR FAC alleges Google illegally "intercepted." *See*,
8 *e.g.*, FAC ¶¶ 202-17.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

10 Denied.

11 **REQUEST FOR ADMISSION NO. 6:**

12 Admit that each GOOGLE PRIVACY POLICY YOU reviewed disclosed that Google
13 collects information about users' visits to websites that use Google's services.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

15 Denied.

16 **REQUEST FOR ADMISSION NO. 7:**

17 Admit that the GOOGLE PRIVACY POLICY does not represent that using private
18 browsing mode will prevent Google from receiving information through its SERVICES.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

20 Denied.

21 **REQUEST FOR ADMISSION NO. 8:**

22 Admit that, during the CLASS PERIOD, YOU were aware that "Google collects
23 information about the web-browsing activity of users who are not in 'private browsing mode.'" *See* FAC ¶ 163.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

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1 Plaintiff Castillo admits that he was aware that Google was online collecting data
2 sometimes, when he was not browsing in private mode, but did not understand exactly how.
3 Otherwise denied.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
6 aware that the websites may record data associated with your visit (for example, on the websites'
7 servers), including the webpages YOU viewed.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

9 Denied.

10 **REQUEST FOR ADMISSION NO. 10:**

11 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
12 aware that your alleged COMMUNICATIONS with the websites might be recorded by the
13 websites (for example, on the websites' servers).

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

15 Denied.

16 **REQUEST FOR ADMISSION NO. 11:**

17 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
18 aware that your alleged COMMUNICATIONS with the websites might be visible to YOUR
19 internet service provider.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

21 Denied.

22 **REQUEST FOR ADMISSION NO. 12:**

23 Admit that, during the CLASS PERIOD, you understood the terms "private browsing" and
24 "browse privately" in the Google disclosures that YOU allege YOU reviewed did not mean that
25 your internet browsing activity would be completely private from everyone.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

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1 Plaintiff Castillo admits that, when he visited websites using Chrome in Incognito mode,
2 his activity might still be visible to those websites, his employer or school, and/or his internet
3 service provider. Plaintiff Castillo did not, however, consent to Google's interception of that
4 activity. Otherwise denied.

5 **REQUEST FOR ADMISSION NO. 13:**

6 Admit that when YOU browsed the web in Incognito mode, YOU understood that cookies
7 could still be placed on YOUR browser and would be deleted when YOU closed YOUR Incognito
8 window or tab.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

10 Denied.

11 **REQUEST FOR ADMISSION NO. 14:**

12 Admit that, when YOU browsed the web in Incognito mode, YOU understood that YOUR
13 activity might still be visible to the websites YOU visited and YOUR internet service provider.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

15 Plaintiff Castillo admits that, when he visited websites using Chrome in Incognito mode,
16 his activity might still be visible to those websites. Plaintiff Castillo further admits that, when he
17 visited websites using Chrome in Incognito mode, his activity might still be visible to his internet
18 service provider. Plaintiff Castillo did not, however, consent to Google's interception of that
19 activity. Otherwise Denied.

20 **REQUEST FOR ADMISSION NO. 15:**

21 Admit that the INCOGNITO NOTICE does not represent that Incognito mode prevents
22 Google from collecting the information that you allege Google illegally "intercepted."

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

24 Denied.

25 **REQUEST FOR ADMISSION NO. 16:**
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1 Admit that YOU became “aware that [YOU are] able to sell [YOUR] own personal data,
2 via other websites such as Killi,” *see* FAC ¶¶ 170,175, 180, 185, 190, only after YOU retained
3 YOUR counsel in this action.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

5 Denied.

6 **REQUEST FOR ADMISSION NO. 17:**

7 Admit that Google’s alleged conduct has not affected YOUR alleged ability “to sell
8 [YOUR] own personal data, via other websites such as Killi.” *See* FAC ¶¶ 170, 175, 180, 185, 190.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

10 Denied.

11 **REQUEST FOR ADMISSION NO. 18:**

12 Admit that YOU did not download and install Google’s Analytics Opt-Out Browser Add-
13 on available at <https://tools.google.com/dlpage/gaoptout>.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

15 Plaintiff Castillo objects to this Request to the extent it purports to suggest that either
16 downloading and/or installing Google’s Analytics Opt-Out Browser Add-on is a necessary
17 predicate for any claim in this litigation. Plaintiff Castillo’s allegations relate to Google’s conduct
18 of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff
19 Castillo’s (and class members’) browsing activity conducted in private browsing mode, despite
20 Google’s representations (including without limitation in the Incognito private browsing mode)
21 that private browsing mode was private and that Plaintiff Castillo’s (and class members’) private
22 browsing information would not be collected by Google. Users did not need to download and/or
23 install Google’s Analytics Opt-Out Browser to browse privately, using Incognito mode or
24 otherwise.

25 Notwithstanding and subject to these objections, Plaintiff Castillo admits that he did not
26 download or install Google’s Analytics Opt-Out Browser Add-on, but this did not provide consent
27 to Google’s conduct alleged in the First Amended Complaint. Otherwise denied.
28

REQUEST FOR ADMISSION NO. 19:

Admit that YOU did not change the default cookie settings on your browser.

RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Plaintiff Castillo objects to this Request to the extent it purports to suggest that review of changing the “default cookie settings” on the browser is a necessary predicate for any claim in this litigation. Plaintiff Castillo’s allegations relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff Castillo’s (and class members’) browsing activity conducted in private browsing mode, despite Google’s representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff Castillo’s (and class members’) private browsing information would not be collected by Google. Users did not need to change the “default cookie settings” on their browser to browse privately, using Incognito mode or otherwise.

Notwithstanding and subject to these objections, Plaintiff Castillo admits that he did not change the “default cookie settings” on his browser, but this did not provide consent to Google’s conduct alleged in the First Amended Complaint. Otherwise denied.

REQUEST FOR ADMISSION NO. 20:

Admit that YOU did not opt out of ad personalization at <https://adssettings.google.com>.

RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Plaintiff Castillo objects to this Request to the extent it purports to suggest that opting out of ad personalization at <https://adssettings.google.com> is a necessary predicate for any claim in this litigation. Plaintiff Castillo’s allegations relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff Castillo’s (and class members’) browsing activity conducted in private browsing mode, despite Google’s representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff Castillo’s (and class members’) private browsing information would not be collected by Google. Users did not need to opt out of ad personalization at <https://adssettings.google.com> to browse privately, using Incognito mode or otherwise.

1 Notwithstanding and subject to these objections, Plaintiff Castillo admits that he did not
2 opt out of ad personalization at <https://adssettings.google.com>, but this did not provide consent to
3 Google's conduct alleged in the First Amended Complaint. Otherwise denied.

4 **REQUEST FOR ADMISSION NO. 21:**

5 Admit that YOU did not retain any information identifying the cookies Google allegedly
6 set on your browser while YOU were private browsing.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

8 While browsing privately, Plaintiff Castillo admits that he was not aware that Google was
9 placing cookies on his browser, therefore Plaintiff Castillo could not have retained any information
10 identifying the cookies Google placed. Plaintiff Castillo's claims are about Google Analytics. Any
11 cookie data that is collected by Google would be in Google's possession, and not on Plaintiff
12 Castillo's devices. Regardless, Google has yet to disclose to Plaintiff Castillo how exactly it is
13 collecting and using Plaintiff Castillo's data in private browsing. Otherwise denied.
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1 Dated: May 24, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)
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28 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's Second Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26 /s/ Jennifer Cabezas
27 Jennifer Cabezas
28

EXHIBIT 8

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF JEREMY DAVIS' AMENDED OBJECTIONS AND RESPONSES
TO DEFENDANT'S SECOND SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure Rule 36, Plaintiff Jeremy Davis ("Davis") hereby objects and responds to Defendant's, Google LLC ("Google"), Second Set of Requests for Admission (Nos. 2–21). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Davis' knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Davis may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Davis reserves all rights to supplement and amend his objections and responses accordingly.

REQUEST FOR ADMISSION NO. 2:

Admit that, when YOU signed up for YOUR GOOGLE ACCOUNT, YOU indicated to Google that YOU agreed to Google's then-current TERMS OF SERVICE.

ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 2:

Plaintiff Davis objects to this Request as vague and overly broad to the extent Google relies on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Davis cannot be expected to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to in this

1 Request. Plaintiff Davis further objects to this Request to the extent it purports to suggest that
2 review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
3 litigation. Plaintiff Davis' allegations relate to Google's conduct of secretly and unlawfully
4 intercepting, collecting data from, analyzing, and monetizing Plaintiff Davis' (and class members')
5 browsing activity conducted in private browsing mode, despite Google's representations
6 (including without limitation in the Incognito private browsing mode) that private browsing mode
7 was private and that Plaintiff Davis' (and class members') private browsing information would not
8 be collected by Google. Users did not need any Google account to browse privately, using
9 Incognito mode or otherwise. Further, to the best of Plaintiff Davis' knowledge, he has never
10 logged into any Google accounts in Chrome when using Chrome's private browsing mode.

11 Notwithstanding and subject to these objections, Plaintiff Davis admits that, at or around
12 the time he opened his Google Account and at times thereafter, he reviewed Google's
13 representations that he was in "control" of what information Google collects and could exercise
14 such control by enabling private browsing mode, such as the representations outlined in paragraphs
15 2 and 42 of the First Amended Complaint, which made clear that he was in "control" of what
16 information Google collects. He understands this, along with the Chrome Incognito Notice (i.e.,
17 the Incognito splash screen that he reviewed each time he began a private browsing mode session
18 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
19 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
20 Complaint. Otherwise Denied.

21 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

22 Plaintiff Davis objects to this Request as vague and overly broad to the extent Google relies
23 on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Davis cannot be expected
24 to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to in this
25 Request. Plaintiff Davis further objects to this Request to the extent it purports to suggest that
26 review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this
27 litigation. Plaintiff Davis' allegations relate to Google's conduct of secretly and unlawfully
28

1 intercepting, collecting data from, analyzing, and monetizing Plaintiff Davis' (and class members')
2 browsing activity conducted in private browsing mode, despite Google's representations
3 (including without limitation in the Incognito private browsing mode) that private browsing mode
4 was private and that Plaintiff Davis' (and class members') private browsing information would not
5 be collected by Google. Users did not need any Google account to browse privately, using
6 Incognito mode or otherwise. Further, to the best of Plaintiff Davis' knowledge, he has never
7 logged into any Google accounts in Chrome when using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Davis admits that, when he
10 signed up for his Google Account, although he does not recall the exact details of the then-current
11 Terms of Service, he indicated to Google that he generally agreed to Google's then-current Terms
12 of Service—which incorporates the Google Chrome and Chrome OS Additional Terms of Service,
13 the Chrome Privacy Notice, the Privacy Policy, the "Search & Browse Privately" page, and the
14 Incognito Screen—and he recalls the disclosures promising that Google would not intercept and
15 collect his private browsing activity, and did he not consent to that interception and collection.
16 Otherwise Denied.

17 **REQUEST FOR ADMISSION NO. 3:**

18 Admit that YOU reviewed the GOOGLE PRIVACY POLICY before you first used
19 INCOGNITO MODE.

20 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

21 Plaintiff Davis objects to this Request as vague and overly broad to the extent Google has
22 defined the GOOGLE PRIVACY POLICY to include the policy available at
23 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Davis further
24 objects to this Request to the extent it purports to suggest that review of and consent to Google's
25 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Davis' allegations
26 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
27 and monetizing Plaintiff Davis' (and class members') browsing activity conducted in private
28 browsing mode, despite Google's representations (including without limitation in the Incognito

1 private browsing mode) that private browsing mode was private and that Plaintiff Davis' (and class
2 members') private browsing information would not be collected by Google. Users did not need
3 any Google account to browse privately, using Incognito mode or otherwise. Further, to the best
4 of Plaintiff Davis' knowledge, he has never logged into any Google accounts in Chrome when
5 using Chrome's private browsing mode.

6 Notwithstanding and subject to these objections, Plaintiff Davis admits that, at or around
7 the time he opened his Google Account and at times thereafter, he reviewed Google representations
8 that he was in "control" of what information Google collects and could exercise such control by
9 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
10 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
11 the Incognito splash screen that he reviewed each time he began a private browsing mode session
12 in Chrome), to be the Google Privacy Policy. To the extent Google's defined "Google Privacy
13 Policy" is applicable, it did not provide consent to Google's conduct alleged in the First Amended
14 Complaint. Otherwise Denied.

15 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

16 Plaintiff Davis objects to this Request as vague and overly broad to the extent Google has
17 defined the GOOGLE PRIVACY POLICY to include the policy available at
18 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Davis further
19 objects to this Request to the extent it purports to suggest that review of and consent to Google's
20 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Davis' allegations
21 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
22 and monetizing Plaintiff Davis' (and class members') browsing activity conducted in private
23 browsing mode, despite Google's representations (including without limitation in the Incognito
24 private browsing mode) that private browsing mode was private and that Plaintiff Davis' (and class
25 members') private browsing information would not be collected by Google. Users did not need
26 any Google account to browse privately, using Incognito mode or otherwise. Further, to the best
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1 of Plaintiff Davis' knowledge, he has never logged into any Google accounts in Chrome when
2 using Chrome's private browsing mode.

3 Notwithstanding and subject to these objections, Plaintiff Davis admits that he believes
4 that he reviewed the then-current Google Privacy Policy before he first used Incognito Mode, and
5 he recalls reviewing the Incognito Splash Screen before he first used Incognito Mode and each
6 time thereafter, and neither the Google Privacy Policy nor the Incognito Splash Screen stated that
7 Google would intercept and collect his private browsing activity. Plaintiff Davis did not consent
8 to that interception and collection of his private browsing activity. Otherwise Denied.

9 **REQUEST FOR ADMISSION NO. 4:**

10 Admit that YOU have never indicated to Google that YOU did not agree to the GOOGLE
11 PRIVACY POLICY.

12 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

13 Plaintiff Davis objects to this Request as vague and overly broad to the extent Google has
14 defined the GOOGLE PRIVACY POLICY to include the policy available at
15 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Davis further
16 objects to this Request to the extent it purports to suggest that review of and consent to Google's
17 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Davis' allegations
18 relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
19 and monetizing Plaintiff Davis' (and class members') browsing activity conducted in private
20 browsing mode, despite Google's representations (including without limitation in the Incognito
21 private browsing mode) that private browsing mode was private and that Plaintiff Davis' (and class
22 members') private browsing information would not be collected by Google. Users did not need
23 any Google account to browse privately, using Incognito mode or otherwise. Further, to the best
24 of Plaintiff Davis' knowledge, he has never logged into any Google accounts in Chrome when
25 using Chrome's private browsing mode.

26 Notwithstanding and subject to these objections, Plaintiff Davis admits that, at or around
27 the time he opened his Google Account and at times thereafter, he reviewed Google representations
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1 that he was in “control” of what information Google collects and could exercise such control by
2 enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of
3 the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e.,
4 the Incognito splash screen that he reviewed each time he began a private browsing mode session
5 in Chrome), to be the Google Privacy Policy. To the extent Google’s defined “Google Privacy
6 Policy” is applicable, it did not provide consent to Google’s conduct alleged in the First Amended
7 Complaint. Otherwise Denied.

8 **AMENDED RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

9 Plaintiff Davis objects to this Request as vague and overly broad to the extent Google has
10 defined the GOOGLE PRIVACY POLICY to include the policy available at
11 <https://policies.google.com/privacy> “and any prior version of this policy.” Plaintiff Davis further
12 objects to this Request to the extent it purports to suggest that review of and consent to Google’s
13 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Davis’ allegations
14 relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from, analyzing,
15 and monetizing Plaintiff Davis’ (and class members’) browsing activity conducted in private
16 browsing mode, despite Google’s representations (including without limitation in the Incognito
17 private browsing mode) that private browsing mode was private and that Plaintiff Davis’ (and class
18 members’) private browsing information would not be collected by Google. Users did not need
19 any Google account to browse privately, using Incognito mode or otherwise. Further, to the best
20 of Plaintiff Davis’ knowledge, he has never logged into any Google accounts in Chrome when
21 using Chrome’s private browsing mode.

22 Notwithstanding and subject to these objections, Plaintiff Davis admits that, prior to
23 discovering this lawsuit, Plaintiff Davis did not indicate to Google that he did not agree to the then-
24 current Google Privacy Policy. However, Google’s Privacy Policy does not disclose Google’s
25 alleged data collection while users are in private browsing mode, and he never consented to
26 Google’s interception and collection of his private browsing activity. Plaintiff Davis further states
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1 that this lawsuit put Google on notice that its continued interception and collection of his and Class
2 Members' private browsing activity is without consent and contrary to the law. Otherwise Denied.

3 **REQUEST FOR ADMISSION NO. 5:**

4 Admit that the GOOGLE PRIVACY POLICY discloses that Google collects through its
5 SERVICES the categories of Data that YOUR FAC alleges Google illegally "intercepted." *See*,
6 *e.g.*, FAC ¶¶ 202-17.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

8 Denied.

9 **REQUEST FOR ADMISSION NO. 6:**

10 Admit that each GOOGLE PRIVACY POLICY YOU reviewed disclosed that Google
11 collects information about users' visits to websites that use Google's services.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

13 Denied.

14 **REQUEST FOR ADMISSION NO. 7:**

15 Admit that the GOOGLE PRIVACY POLICY does not represent that using private
16 browsing mode will prevent Google from receiving information through its SERVICES.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

18 Denied.

19 **REQUEST FOR ADMISSION NO. 8:**

20 Admit that, during the CLASS PERIOD, YOU were aware that "Google collects
21 information about the web-browsing activity of users who are not in 'private browsing mode.'" *See* FAC ¶ 163.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

23 Plaintiff Davis admits that he was aware that Google was online collecting data sometimes,
24 when he was not browsing in private mode, but did not understand exactly how. Otherwise denied.

25 **REQUEST FOR ADMISSION NO. 9:**

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1 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
2 aware that the websites may record data associated with your visit (for example, on the websites'
3 servers), including the webpages YOU viewed.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

5 Denied.

6 **REQUEST FOR ADMISSION NO. 10:**

7 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
8 aware that your alleged COMMUNICATIONS with the websites might be recorded by the
9 websites (for example, on the websites' servers).

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

11 Denied.

12 **REQUEST FOR ADMISSION NO. 11:**

13 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
14 aware that your alleged COMMUNICATIONS with the websites might be visible to YOUR
15 internet service provider.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

17 Denied.

18 **REQUEST FOR ADMISSION NO. 12:**

19 Admit that, during the CLASS PERIOD, you understood the terms "private browsing" and
20 "browse privately" in the Google disclosures that YOU allege YOU reviewed did not mean that
21 your internet browsing activity would be completely private from everyone.

22 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

23 Plaintiff Davis admits that, when he visited websites using Chrome in Incognito mode, his
24 activity might still be visible to those websites, his employer or school, and/or his internet service
25 provider. Plaintiff Davis did not, however, consent to Google's interception of that activity.
26 Otherwise denied.

27 **REQUEST FOR ADMISSION NO. 13:**
28

1 Admit that when YOU browsed the web in Incognito mode, YOU understood that cookies
2 could still be placed on YOUR browser and would be deleted when YOU closed YOUR Incognito
3 window or tab.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

5 Denied.

6 **REQUEST FOR ADMISSION NO. 14:**

7 Admit that, when YOU browsed the web in Incognito mode, YOU understood that YOUR
8 activity might still be visible to the websites YOU visited and YOUR internet service provider.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

10 Plaintiff Davis admits that, when he visited websites using Chrome in Incognito mode, his
11 activity might still be visible to those websites. Plaintiff Davis further admits that, when he visited
12 websites using Chrome in Incognito mode, his activity might still be visible to his internet service
13 provider. Plaintiff Davis did not, however, consent to Google's interception of that activity.
14 Otherwise Denied.

15 **REQUEST FOR ADMISSION NO. 15:**

16 Admit that the INCOGNITO NOTICE does not represent that Incognito mode prevents
17 Google from collecting the information that you allege Google illegally "intercepted."

18 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

19 Denied.

20 **REQUEST FOR ADMISSION NO. 16:**

21 Admit that YOU became "aware that [YOU are] able to sell [YOUR] own personal data,
22 via other websites such as Killi," *see* FAC ¶¶ 170,175, 180, 185, 190, only after YOU retained
23 YOUR counsel in this action.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

25 Denied.

26 **REQUEST FOR ADMISSION NO. 17:**

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28

1 Admit that Google's alleged conduct has not affected YOUR alleged ability "to sell
2 [YOUR] own personal data, via other websites such as Killi." *See* FAC ¶¶ 170, 175, 180, 185, 190.

3 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

4 Denied.

5 **REQUEST FOR ADMISSION NO. 18:**

6 Admit that YOU did not download and install Google's Analytics Opt-Out Browser Add-
7 on available at <https://tools.google.com/dlpage/gaoptout>.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

9 Plaintiff Davis objects to this Request to the extent it purports to suggest that either
10 downloading and/or installing Google's Analytics Opt-Out Browser Add-on is a necessary
11 predicate for any claim in this litigation. Plaintiff Davis' allegations relate to Google's conduct of
12 secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff
13 Davis' (and class members') browsing activity conducted in private browsing mode, despite
14 Google's representations (including without limitation in the Incognito private browsing mode)
15 that private browsing mode was private and that Plaintiff Davis' (and class members') private
16 browsing information would not be collected by Google. Users did not need to download and/or
17 install Google's Analytics Opt-Out Browser to browse privately, using Incognito mode or
18 otherwise.

19 Notwithstanding and subject to these objections, Plaintiff Davis admits that he did not
20 download or install Google's Analytics Opt-Out Browser Add-on, but this did not provide consent
21 to Google's conduct alleged in the First Amended Complaint. Otherwise denied.

22 **REQUEST FOR ADMISSION NO. 19:**

23 Admit that YOU did not change the default cookie settings on your browser.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 19:**

25 Plaintiff Davis objects to this Request to the extent it purports to suggest that review of
26 changing the "default cookie settings" on the browser is a necessary predicate for any claim in this
27 litigation. Plaintiff Davis' allegations relate to Google's conduct of secretly and unlawfully
28

1 intercepting, collecting data from, analyzing, and monetizing Plaintiff Davis' (and class members')
2 browsing activity conducted in private browsing mode, despite Google's representations
3 (including without limitation in the Incognito private browsing mode) that private browsing mode
4 was private and that Plaintiff Davis' (and class members') private browsing information would not
5 be collected by Google. Users did not need to change the "default cookie settings" on their browser
6 to browse privately, using Incognito mode or otherwise.

7
8 Notwithstanding and subject to these objections, Plaintiff Davis admits that he did not
9 change the "default cookie settings" on his browser, but this did not provide consent to Google's
10 conduct alleged in the First Amended Complaint. Otherwise denied.

11 **REQUEST FOR ADMISSION NO. 20:**

12 Admit that YOU did not opt out of ad personalization at <https://adssettings.google.com>.

13 **RESPONSE TO REQUEST FOR ADMISSION NO. 20:**

14 Plaintiff Davis objects to this Request to the extent it purports to suggest that opting out of
15 ad personalization at <https://adssettings.google.com> is a necessary predicate for any claim in this
16 litigation. Plaintiff Davis' allegations relate to Google's conduct of secretly and unlawfully
17 intercepting, collecting data from, analyzing, and monetizing Plaintiff Davis' (and class members')
18 browsing activity conducted in private browsing mode, despite Google's representations
19 (including without limitation in the Incognito private browsing mode) that private browsing mode
20 was private and that Plaintiff Davis' (and class members') private browsing information would not
21 be collected by Google. Users did not need to opt out of ad personalization at
22 <https://adssettings.google.com> to browse privately, using Incognito mode or otherwise.

23 Notwithstanding and subject to these objections, Plaintiff Davis admits that he did not opt
24 out of ad personalization at <https://adssettings.google.com>, but this did not provide consent to
25 Google's conduct alleged in the First Amended Complaint. Otherwise denied.

26 **REQUEST FOR ADMISSION NO. 21:**

27 Admit that YOU did not retain any information identifying the cookies Google allegedly
28 set on your browser while YOU were private browsing.

RESPONSE TO REQUEST FOR ADMISSION NO. 21:

While browsing privately, Plaintiff Davis admits that he was not aware that Google was placing cookies on his browser, therefore Plaintiff Davis could not have retained any information identifying the cookies Google placed. Plaintiff Davis' claims are about Google Analytics. Any cookie data that is collected by Google would be in Google's possession, and not on Plaintiff Davis' devices. Regardless, Google has yet to disclose to Plaintiff Davis how exactly it is collecting and using Plaintiff Davis' data in private browsing. Otherwise denied.

Dated: May 24, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

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Attorneys for Plaintiffs

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 24, 2021, I served the following document described as:

Plaintiff's Amended Objections and Responses to Defendant's Second Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on May 24, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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24 *Attorneys for Defendant*

25 Executed on May 24, 2021, at Tampa, Florida.

26 /s/ Jennifer Cabezas
27 Jennifer Cabezas
28

EXHIBIT 9

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF MONIQUE TRUJILLO'S OBJECTIONS AND RESPONSES
TO DEFENDANT'S FIRST AND SECOND SETS OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure Rule 36, Plaintiff Monique Trujillo ("Trujillo") hereby objects and responds to Defendant's, Google LLC ("Google"), First and Second Sets of Requests for Admission (Nos. 1–21). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Trujillo's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Trujillo may become aware of additional facts or evidence and her analysis of the case may change. Plaintiff Trujillo reserves all rights to supplement and amend her objections and responses accordingly.

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REQUEST FOR ADMISSION NO. 1:

Admit that, when YOU signed up for YOUR Google Account, YOU reviewed and consented to the GOOGLE PRIVACY POLICY.

RESPONSE TO REQUEST FOR ADMISSION NO. 1:

Plaintiff Trujillo objects to this Request to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Trujillo's allegations relate to Google's conduct of secretly and unlawfully intercepting,

1 collecting data from, analyzing, and monetizing Plaintiff Trujillo's (and class members') browsing
2 activity conducted in private browsing mode, despite Google's representations (including without
3 limitation in the Incognito private browsing mode) that private browsing mode was private and
4 that Plaintiff Trujillo's (and class members') private browsing information would not be collected
5 by Google. Users did not need any Google account to browse privately, using Incognito mode or
6 otherwise. Further, to the best of Plaintiff Trujillo's knowledge, she has never logged into any
7 Google accounts in Chrome when using Chrome's private browsing mode.

8 Notwithstanding and subject to these objections, Plaintiff Trujillo admits that, when she
9 opened her Google Account, although she does not recall exact details of the then-current Privacy
10 Policy, she reviewed and generally consented to the then-current Privacy Policy, and she recalls
11 the disclosures in the Privacy Policy promising that Google would not intercept and collect her
12 private browsing activity, and she did not consent to that interception and collection. Otherwise
13 Denied.

14 **REQUEST FOR ADMISSION NO. 2:**

15 Admit that, when YOU signed up for YOUR GOOGLE ACCOUNT, YOU indicated to
16 Google that YOU agreed to Google's then-current TERMS OF SERVICE.

17 **RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

18 Plaintiff Trujillo objects to this Request as vague and overly broad to the extent Google
19 relies on the undefined, capitalized term "TERMS OF SERVICE," as Plaintiff Trujillo cannot be
20 expected to guess or speculate as to which "TERMS OF SERVICE" Google might be referring to
21 in this Request. Plaintiff Trujillo further objects to this Request to the extent it purports to suggest
22 that review of and consent to Google's Terms of Service is a necessary predicate for any claim in
23 this litigation. Plaintiff Trujillo's allegations relate to Google's conduct of secretly and unlawfully
24 intercepting, collecting data from, analyzing, and monetizing Plaintiff Trujillo's (and class
25 members') browsing activity conducted in private browsing mode, despite Google's
26 representations (including without limitation in the Incognito private browsing mode) that private
27 browsing mode was private and that Plaintiff Trujillo's (and class members') private browsing
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1 information would not be collected by Google. Users did not need any Google account to browse
2 privately, using Incognito mode or otherwise. Further, to the best of Plaintiff Trujillo's knowledge,
3 she has never logged into any Google accounts in Chrome when using Chrome's private browsing
4 mode.

5 Notwithstanding and subject to these objections, Plaintiff Trujillo admits that, when she
6 signed up for her Google Account, although she does not recall the exact details of the then-current
7 Terms of Service, she indicated to Google that she generally agreed to Google's then-current
8 Terms of Service—which incorporates the Google Chrome and Chrome OS Additional Terms of
9 Service, the Chrome Privacy Notice, the Privacy Policy, the "Search & Browse Privately" page,
10 and the Incognito Screen—and she recalls the disclosures promising that Google would not
11 intercept and collect her private browsing activity, and did she not consent to that interception and
12 collection. Otherwise Denied.

13 **REQUEST FOR ADMISSION NO. 3:**

14 Admit that YOU reviewed the GOOGLE PRIVACY POLICY before you first used
15 INCOGNITO MODE.

16 **RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

17 Plaintiff Trujillo objects to this Request as vague and overly broad to the extent Google
18 has defined the GOOGLE PRIVACY POLICY to include the policy available at
19 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Trujillo further
20 objects to this Request to the extent it purports to suggest that review of and consent to Google's
21 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Trujillo's
22 allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from,
23 analyzing, and monetizing Plaintiff Trujillo's (and class members') browsing activity conducted
24 in private browsing mode, despite Google's representations (including without limitation in the
25 Incognito private browsing mode) that private browsing mode was private and that Plaintiff
26 Trujillo's (and class members') private browsing information would not be collected by Google.
27 Users did not need any Google account to browse privately, using Incognito mode or otherwise.
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1 Further, to the best of Plaintiff Trujillo's knowledge, she has never logged into any Google
2 accounts in Chrome when using Chrome's private browsing mode.

3 Notwithstanding and subject to these objections, Plaintiff Trujillo admits that she is not
4 sure whether she reviewed the then-current Google Privacy Policy before she first used Incognito
5 Mode, but she did review the Incognito Splash Screen before she first used Incognito Mode and
6 each time thereafter, which did not state that Google would intercept and collect her private
7 browsing activity. Plaintiff Trujillo did not consent to that interception and collection of her private
8 browsing activity. Otherwise Denied.

9 **REQUEST FOR ADMISSION NO. 4:**

10 Admit that YOU have never indicated to Google that YOU did not agree to the GOOGLE
11 PRIVACY POLICY.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

13 Plaintiff Trujillo objects to this Request as vague and overly broad to the extent Google
14 has defined the GOOGLE PRIVACY POLICY to include the policy available at
15 <https://policies.google.com/privacy> "and any prior version of this policy." Plaintiff Trujillo further
16 objects to this Request to the extent it purports to suggest that review of and consent to Google's
17 Privacy Policy is a necessary predicate for any claim in this litigation. Plaintiff Trujillo's
18 allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from,
19 analyzing, and monetizing Plaintiff Trujillo's (and class members') browsing activity conducted
20 in private browsing mode, despite Google's representations (including without limitation in the
21 Incognito private browsing mode) that private browsing mode was private and that Plaintiff
22 Trujillo's (and class members') private browsing information would not be collected by Google.
23 Users did not need any Google account to browse privately, using Incognito mode or otherwise.
24 Further, to the best of Plaintiff Trujillo's knowledge, she has never logged into any Google
25 accounts in Chrome when using Chrome's private browsing mode.

26 Notwithstanding and subject to these objections, Plaintiff Trujillo admits that, prior to
27 filing this lawsuit, she did not indicate to Google that she did not agree to the then-current Google
28

1 Privacy Policy. However, Google's Privacy Policy does not disclose Google's alleged data
2 collection while users are in private browsing mode, and she never consented to Google's
3 interception and collection of her private browsing activity. Plaintiff Trujillo further states that this
4 lawsuit put Google on notice that its continued interception and collection of her and Class
5 Members' private browsing activity is without consent and contrary to the law. Otherwise Denied.

6 **REQUEST FOR ADMISSION NO. 5:**

7 Admit that the GOOGLE PRIVACY POLICY discloses that Google collects through its
8 SERVICES the categories of Data that YOUR SAC alleges Google illegally "intercepted." *See*,
9 *e.g.*, SAC ¶¶ 202-17.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

11 Denied.

12 **REQUEST FOR ADMISSION NO. 6:**

13 Admit that each GOOGLE PRIVACY POLICY YOU reviewed disclosed that Google
14 collects information about users' visits to websites that use Google's services.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

16 Denied.

17 **REQUEST FOR ADMISSION NO. 7:**

18 Admit that the GOOGLE PRIVACY POLICY does not represent that using private
19 browsing mode will prevent Google from receiving information through its SERVICES.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 7:**

21 Denied.

22 **REQUEST FOR ADMISSION NO. 8:**

23 Admit that, during the CLASS PERIOD, YOU were aware that "Google collects
24 information about the web-browsing activity of users who are not in 'private browsing mode.'" *See* SAC ¶ 163.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 8:**

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1 Plaintiff Trujillo admits that she was aware that Google was online collecting data
2 sometimes, when she was not browsing in private mode, but did not understand exactly how.
3 Otherwise denied.

4 **REQUEST FOR ADMISSION NO. 9:**

5 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
6 aware that the websites may record data associated with your visit (for example, on the websites'
7 servers), including the webpages YOU viewed.

8 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

9 Denied.

10 **REQUEST FOR ADMISSION NO. 10:**

11 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
12 aware that your alleged COMMUNICATIONS with the websites might be recorded by the
13 websites (for example, on the websites' servers).

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

15 Denied.

16 **REQUEST FOR ADMISSION NO. 11:**

17 Admit that, when YOU visited websites using Chrome in Incognito mode, YOU were
18 aware that your alleged COMMUNICATIONS with the websites might be visible to YOUR
19 internet service provider.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

21 Denied.

22 **REQUEST FOR ADMISSION NO. 12:**

23 Admit that, during the CLASS PERIOD, you understood the terms "private browsing" and
24 "browse privately" in the Google disclosures that YOU allege YOU reviewed did not mean that
25 your internet browsing activity would be completely private from everyone.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

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1 Plaintiff Trujillo admits that, when she visited websites using Chrome in Incognito mode,
2 her activity might still be visible to those websites, her employer or school, and/or her internet
3 service provider. Plaintiff Trujillo did not, however, consent to Google's interception of that
4 activity. Otherwise denied.

5 **REQUEST FOR ADMISSION NO. 13:**

6 Admit that when YOU browsed the web in Incognito mode, YOU understood that cookies
7 could still be placed on YOUR browser and would be deleted when YOU closed YOUR Incognito
8 window or tab.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

10 Denied.

11 **REQUEST FOR ADMISSION NO. 14:**

12 Admit that, when YOU browsed the web in Incognito mode, YOU understood that YOUR
13 activity might still be visible to the websites YOU visited and YOUR internet service provider.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

15 Plaintiff Trujillo admits that, when she visited websites using Chrome in Incognito mode,
16 her activity might still be visible to those websites. Plaintiff Trujillo further admits that, when she
17 visited websites using Chrome in Incognito mode, her activity might still be visible to her internet
18 service provider. Plaintiff Trujillo did not, however, consent to Google's interception of that
19 activity. Otherwise Denied.

20 **REQUEST FOR ADMISSION NO. 15:**

21 Admit that the INCOGNITO NOTICE does not represent that Incognito mode prevents
22 Google from collecting the information that you allege Google illegally "intercepted."

23 **RESPONSE TO REQUEST FOR ADMISSION NO. 15:**

24 Denied.

25 **REQUEST FOR ADMISSION NO. 16:**

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1 Admit that YOU became “aware that [YOU are] able to sell [YOUR] own personal data,
2 via other websites such as Killi,” *see* SAC ¶¶ 170,175, 180, 185, 190, only after YOU retained
3 YOUR counsel in this action.

4 **RESPONSE TO REQUEST FOR ADMISSION NO. 16:**

5 Denied.

6 **REQUEST FOR ADMISSION NO. 17:**

7 Admit that Google’s alleged conduct has not affected YOUR alleged ability “to sell
8 [YOUR] own personal data, via other websites such as Killi.” *See* SAC ¶¶ 170, 175, 180, 185, 190.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 17:**

10 Denied.

11 **REQUEST FOR ADMISSION NO. 18:**

12 Admit that YOU did not download and install Google’s Analytics Opt-Out Browser Add-
13 on available at <https://tools.google.com/dlpage/gaoptout>.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 18:**

15 Plaintiff Trujillo objects to this Request to the extent it purports to suggest that either
16 downloading and/or installing Google’s Analytics Opt-Out Browser Add-on is a necessary
17 predicate for any claim in this litigation. Plaintiff Trujillo’s allegations relate to Google’s conduct
18 of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff
19 Trujillo’s (and class members’) browsing activity conducted in private browsing mode, despite
20 Google’s representations (including without limitation in the Incognito private browsing mode)
21 that private browsing mode was private and that Plaintiff Trujillo’s (and class members’) private
22 browsing information would not be collected by Google. Users did not need to download and/or
23 install Google’s Analytics Opt-Out Browser to browse privately, using Incognito mode or
24 otherwise.

25 Notwithstanding and subject to these objections, Plaintiff Trujillo admits that she did not
26 download or install Google’s Analytics Opt-Out Browser Add-on, but this did not provide consent
27 to Google’s conduct alleged in the Second Amended Complaint. Otherwise denied.
28

REQUEST FOR ADMISSION NO. 19:

Admit that YOU did not change the default cookie settings on your browser.

RESPONSE TO REQUEST FOR ADMISSION NO. 19:

Plaintiff Trujillo objects to this Request to the extent it purports to suggest that review of changing the “default cookie settings” on the browser is a necessary predicate for any claim in this litigation. Plaintiff Trujillo’s allegations relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff Trujillo’s (and class members’) browsing activity conducted in private browsing mode, despite Google’s representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff Trujillo’s (and class members’) private browsing information would not be collected by Google. Users did not need to change the “default cookie settings” on their browser to browse privately, using Incognito mode or otherwise.

Notwithstanding and subject to these objections, Plaintiff Trujillo admits that she did not change the “default cookie settings” on her browser, but this did not provide consent to Google’s conduct alleged in the Second Amended Complaint. Otherwise denied.

REQUEST FOR ADMISSION NO. 20:

Admit that YOU did not opt out of ad personalization at <https://adssettings.google.com>.

RESPONSE TO REQUEST FOR ADMISSION NO. 20:

Plaintiff Trujillo objects to this Request to the extent it purports to suggest that opting out of ad personalization at <https://adssettings.google.com> is a necessary predicate for any claim in this litigation. Plaintiff Trujillo’s allegations relate to Google’s conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff Trujillo’s (and class members’) browsing activity conducted in private browsing mode, despite Google’s representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff Trujillo’s (and class members’) private browsing information would not be collected by Google. Users did not need to opt out of ad personalization at <https://adssettings.google.com> to browse privately, using Incognito mode or otherwise.

1 Notwithstanding and subject to these objections, Plaintiff Trujillo admits that she did not
2 opt out of ad personalization at <https://adssettings.google.com>, but this did not provide consent to
3 Google's conduct alleged in the Second Amended Complaint. Otherwise denied.

4 **REQUEST FOR ADMISSION NO. 21:**

5 Admit that YOU did not retain any information identifying the cookies Google allegedly
6 set on your browser while YOU were private browsing.

7 **RESPONSE TO REQUEST FOR ADMISSION NO. 21:**

8 While browsing privately, Plaintiff Trujillo admits that she was not aware that Google was
9 placing cookies on her browser, therefore Plaintiff Trujillo could not have retained any information
10 identifying the cookies Google placed. Plaintiff Trujillo's claims are about Google Analytics. Any
11 cookie data that is collected by Google would be in Google's possession, and not on Plaintiff
12 Trujillo's devices. Regardless, Google has yet to disclose to Plaintiff Trujillo how exactly it is
13 collecting and using Plaintiff Trujillo's data in private browsing. Otherwise denied.
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1 Dated: June 7, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

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4 Ryan J. McGee (*pro hac vice*)
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28 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Ryan J. McGee, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On June 7, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's First and Second Sets of Requests for Admission

By electronic mail transmission from rmcgee@forthepeople.com on June 7, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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15 josefansorge@quinnemanuel.com

16 *Attorneys for Defendant*

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21 Tel: 415-875-6600
22 Fax: 415-875-6700
23 jonathantse@quinnemanuel.com

24 *Attorneys for Defendant*

25 Executed on June 7, 2021, at Tampa, Florida.

26
27 /s/ Ryan J. McGee
28 Ryan J. McGee

EXHIBIT 10

**Redacted Version
of Document Sought
to be Sealed**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF CHASOM BROWN'S VERIFIED AMENDED OBJECTIONS AND
RESPONSES TO DEFENDANT'S INTERROGATORIES 1, 4, AND 5**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Chasom Brown ("Brown") hereby objects and responds to Defendant's, Google LLC ("Google"), Interrogatories 1, 4, and 5. These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Brown's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Brown may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Brown reserves all rights to supplement and amend his objections and responses accordingly.

INTERROGATORY NO. 1:

Describe with particularity each time YOU reviewed the GOOGLE TERMS OF SERVICE, GOOGLE PRIVACY POLICY, MY GOOGLE ACTIVITY, CHROME INCOGNITO NOTICE, CHROME TERMS OF SERVICE, and/or CHROME PRIVACY NOTICE prior to the filing of the COMPLAINT and, if YOU reviewed such documents, on what date(s) and which version(s) YOU reviewed, and whether YOU reviewed the entire document(s) or only portion(s) of the document(s) (if only portion(s), describe with particularity which portion(s) you reviewed).

ORIGINAL RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Brown objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Brown's (and class members') browsing activity conducted in private browsing mode, despite Google's representations that Plaintiff Brown's (and class members') browsing information would not be saved.

Notwithstanding and subject to these objections, Plaintiff Brown responds that he reviewed the Chrome Incognito Notice (*i.e.*, the Incognito splash screen) and Google's representations contained therein each time he began a private browsing mode session in Chrome. Plaintiff Brown further responds that, at or around the time he opened his Google Account and at times thereafter, he reviewed Google representations that she was in "control" of what information Google collects and could exercise such control by enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (*i.e.*, the Incognito splash screen that he reviewed each time he began a private browsing mode session in Chrome), to be the Google Privacy Policy. He does not recall the exact dates he reviewed these disclosures. He likewise does not recall whether he reviewed the other disclosures included in this request, in part because, as described, he is not certain which specific disclosures they refer to.

AMENDED RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Brown objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Brown's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Brown's (and class members') browsing activity conducted in private browsing mode, despite

1 Google's representations that Plaintiff Brown's (and class members') browsing information would
2 not be saved.

3 Notwithstanding and subject to these objections, Plaintiff Brown responds that he reviewed
4 the Incognito splash screen and Google's representations contained therein each time he began a
5 private browsing mode session in Chrome. Plaintiff Brown further responds that, at or around the
6 time he opened his Google Account, which was in approximately [REDACTED], and at times
7 thereafter, he reviewed Google representations that he was in "control" of what information
8 Google collects, and to the best of his ability recalls receiving an update from Google Chrome that
9 introduced him to the Incognito function that stated he could exercise such control by enabling
10 private browsing mode. He does not recall the exact dates he reviewed these disclosures, or the
11 exact portions of the disclosures reviewed, but believes it was in approximately [REDACTED] and he
12 reviewed the Incognito splash screen each time he began a private browsing mode session in
13 Chrome.

14 **INTERROGATORY NO. 4:**

15 Without limitation as to time period, describe with particularity all websites, applications,
16 or other online services with which YOU voluntarily shared any DATA AT ISSUE.

17 **ORIGINAL RESPONSE TO INTERROGATORY NO. 4:**

18 Plaintiff Brown objects to Interrogatory No. 4 as overly broad, vague, and not proportional
19 to the needs of the litigation, considering Google requests each and every instance when Plaintiff
20 Brown may have shared "data" with a website, application, or other online service, regardless of
21 any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer.
22 In addition, to the extent this request seeks information regarding "data" shared when private
23 browsing mode was not enabled, it is irrelevant. On the basis of these objections, Plaintiff Brown
24 does not intend to respond to Interrogatory No. 4, other than to say that he did not knowingly or
25 voluntarily share any page views (*e.g.*, URL information) while private browsing mode was
26 enabled. Given his uncertainty regarding the meaning of this Interrogatory, Plaintiff Brown is
27 willing to meet and confer with Defendant regarding his objection.
28

CONFIDENTIAL**AMENDED RESPONSE TO INTERROGATORY NO. 4:**

Plaintiff Brown objects to Interrogatory No. 4 as overly broad, vague, and not proportional to the needs of the litigation, considering Google requests each and every instance when Plaintiff Brown may have shared “data” with a website, application, or other online service, regardless of any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer. In addition, to the extent this request seeks information regarding “data” shared when private browsing mode was not enabled, it is irrelevant.

Notwithstanding and subject to these objections, Plaintiff Brown states that, to the extent he can recall, during the Class Period the websites visited most, regardless of whether he was browsing in private browsing mode or not, include: [REDACTED]

[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]
[REDACTED] [REDACTED] [REDACTED]

Plaintiff Brown further states that, to the extent he can recall, during the Class Period the applications he most used include: [REDACTED];

[REDACTED].

INTERROGATORY NO. 5:

Describe with particularity each time YOU used private browsing mode, including separately identifying for each time the following: the browser, the private browsing mode, the date and time, the device, the websites visited, how long each private browsing session lasted and YOUR location.

ORIGINAL RESPONSE TO INTERROGATORY NO. 5:

Plaintiff Brown objects to Interrogatory No. 5 as overly broad, vague, and not proportional to the needs of the litigation, insofar as Google may be requesting particular details of dates, times, devices, websites visited, the duration of those visits, and Plaintiff Brown’s location while engaged in these activities. Further, Plaintiff Brown chooses the private browsing mode because he does not want this activity tracked, recorded, or otherwise memorialized and, therefore, requiring

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1 Plaintiff Brown to recall the details sufficient to respond to Interrogatory No. 5 would be
2 unreasonable and not proportional to the needs of the litigation. Further, according to Google's
3 Motion to Dismiss, Google, unlike Plaintiff Brown, collects most if not all of the information
4 requested. Accordingly, Google is in the best position to answer this Interrogatory since it is
5 already in possession of this information.

6 Notwithstanding and subject to these objections, Plaintiff Brown responds that he used
7 private browsing mode with the specific purpose of that activity not being tracked, recorded, or
8 otherwise memorialized and, therefore, Plaintiff Brown cannot recall the particular details of each
9 and every time he engaged in private browsing mode. Plaintiff Brown used Chrome's private
10 browsing mode for approximately the last two years to browse [REDACTED]
11 [REDACTED]

12 [REDACTED] The vast majority of this private browsing
13 activity was done in Chrome, but Plaintiff Brown may have tried the private browsing mode with
14 Microsoft's web browser once or twice. The overwhelming majority of Plaintiff Brown's private
15 browsing activity was done in [REDACTED]

AMENDED RESPONSE TO INTERROGATORY NO. 5:

17 Plaintiff Brown objects to Interrogatory No. 5 as overly broad, vague, and not proportional
18 to the needs of the litigation, insofar as Google may be requesting particular details of dates, times,
19 devices, websites visited, the duration of those visits, and Plaintiff Brown's location while engaged
20 in these activities. Further, Plaintiff Brown chooses the private browsing mode because he does
21 not want this activity tracked, recorded, or otherwise memorialized and, therefore, requiring
22 Plaintiff Brown to recall the details sufficient to respond to Interrogatory No. 5 would be
23 unreasonable and not proportional to the needs of the litigation. Further, according to Google's
24 Motion to Dismiss, Google, unlike Plaintiff Brown, collects most if not all of the information
25 requested. Accordingly, Google is in the best position to answer this Interrogatory since it is
26 already in possession of this information.

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1 Notwithstanding and subject to these objections, Plaintiff Brown responds that he used
2 private browsing mode with the specific purpose of that activity not being tracked, recorded, or
3 otherwise memorialized and, therefore, Plaintiff Brown cannot recall the particular details of each
4 and every time he engaged in private browsing mode. Plaintiff Brown used Chrome's private
5 browsing mode for approximately the last two years to browse [REDACTED]

6 [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]

7 [REDACTED]

8 [REDACTED] The vast majority of this private browsing activity was done in Chrome,
9 but Plaintiff Brown may have tried the private browsing mode with Microsoft's web browser once
10 or twice. The overwhelming majority of Plaintiff Brown's private browsing activity was done in
11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 [REDACTED]

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: [Signature]

Printed Name: Chasom Brown

Title: Mr.

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

Dated: May 12, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

John A. Yanchunis (*pro hac vice*)

Ryan J. McGee (*pro hac vice*)

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PROOF OF SERVICE

I, Ryan J. McGee, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 12, 2021, I served the following document described as:

Plaintiff's Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

By electronic mail transmission from rmcgee@forthepeople.com on May 12, 2021, by transmitting a PDF format copy of such document to each such person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorney for Defendant*

23 Executed on May 12, 2021, at Tampa, Florida.

24 /s/ Ryan J. McGee
25 Ryan J. McGee, Esq.

EXHIBIT 11

**Redacted Version
of Document Sought
to be Sealed**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF WILLIAM BYATT'S VERIFIED AMENDED OBJECTIONS AND
RESPONSES TO DEFENDANT'S INTERROGATORIES 1, 4, AND 5**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff William Byatt ("Byatt") hereby objects and responds to Defendant's, Google LLC ("Google"), Interrogatories 1, 4, and 5. These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Byatt's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Byatt may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Byatt reserves all rights to supplement and amend his objections and responses accordingly.

INTERROGATORY NO. 1:

Describe with particularity each time YOU reviewed the GOOGLE TERMS OF SERVICE, GOOGLE PRIVACY POLICY, MY GOOGLE ACTIVITY, CHROME INCOGNITO NOTICE, CHROME TERMS OF SERVICE, and/or CHROME PRIVACY NOTICE prior to the filing of the COMPLAINT and, if YOU reviewed such documents, on what date(s) and which version(s) YOU reviewed, and whether YOU reviewed the entire document(s) or only portion(s) of the document(s) (if only portion(s), describe with particularity which portion(s) you reviewed).

ORIGINAL RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Byatt objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Byatt's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Byatt's (and class members') browsing activity conducted in private browsing mode, despite Google's representations that Plaintiff Byatt's (and class members') browsing information would not be saved.

Notwithstanding and subject to these objections, Plaintiff Byatt responds that he reviewed the Chrome Incognito Notice (*i.e.*, the Incognito splash screen) and Google's representations contained therein each time he began a private browsing mode session in Chrome. Plaintiff Byatt further responds that, at or around the time he opened his Google Account and at times thereafter, he reviewed Google representations that he was in "control" of what information Google collects and could exercise such control by enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (*i.e.*, the Incognito splash screen that he reviewed each time he began a private browsing mode session in Chrome), to be the Google Privacy Policy. He does not recall the exact dates he reviewed these disclosures. He likewise does not recall whether he reviewed the other disclosures included in this request, in part because, as described, he is not certain which specific disclosures they refer to.

AMENDED RESONSE TO INTERROGATORY NO. 1:

Plaintiff Byatt objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Byatt's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Byatt's (and class members') browsing activity conducted in private browsing mode, despite

1 Google's representations that Plaintiff Byatt's (and class members') browsing information would
2 not be saved.

3 Notwithstanding and subject to these objections, Plaintiff Byatt responds that he reviewed
4 the Incognito splash screen and Google's representations contained therein each time he began a
5 private browsing mode session in Chrome. Plaintiff Byatt further responds that, at or around the
6 time he opened his Google Account in [REDACTED] and at times thereafter, he reviewed Google
7 representations in Google's Terms of Service and Chrome Policy that he was in "control" of what
8 information Google collects and could exercise such control by enabling private browsing mode.
9 He does not recall the exact dates he reviewed these disclosures, or the exact portions of the
10 disclosures reviewed, but he occasionally reviewed the disclosures when they were updated, and
11 he does not recall any disclosures that stated Google would continue to collect his information
12 when he entered private browsing mode or that he was not in control of his data, and he reviewed
13 the Incognito splash screen each time he began a private browsing mode session in Chrome.

14 **INTERROGATORY NO. 4:**

15 Without limitation as to time period, describe with particularity all websites, applications,
16 or other online services with which YOU voluntarily shared any DATA AT ISSUE.

17 **ORIGINAL RESPONSE TO INTERROGATORY NO. 4:**

18 Plaintiff Byatt objects to Interrogatory No. 4 as overly broad, vague, and not proportional
19 to the needs of the litigation, considering Google requests each and every instance when Plaintiff
20 Byatt may have shared "data" with a website, application, or other online service, regardless of
21 any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer.
22 In addition, to the extent this request seeks information regarding "data" shared when private
23 browsing mode was not enabled, it is irrelevant. On the basis of these objections, Plaintiff Byatt
24 does not intend to respond to Interrogatory No. 4, other than to say that he did not knowingly or
25 voluntarily share any page views (*e.g.*, URL information) while private browsing mode was
26 enabled. Given his uncertainty regarding the meaning of this Interrogatory, Plaintiff Byatt is
27 willing to meet and confer with Defendant regarding his objection.
28

CONFIDENTIAL**AMENDED RESPONSE TO INTERROGATORY NO. 4:**

Plaintiff Byatt objects to Interrogatory No. 4 as overly broad, vague, and not proportional to the needs of the litigation, considering Google requests each and every instance when Plaintiff Byatt may have shared “data” with a website, application, or other online service, regardless of any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer. In addition, to the extent this request seeks information regarding “data” shared when private browsing mode was not enabled, it is irrelevant.

Notwithstanding and subject to these objections, Plaintiff Byatt states that, to the extent he can recall, during the Class Period the websites visited most, regardless of whether he was browsing in private browsing mode or not, include: [REDACTED]

[REDACTED] Plaintiff

Byatt further states that, to the extent he can recall, during the Class Period the applications he most used include: [REDACTED]

INTERROGATORY NO. 5:

Describe with particularity each time YOU used private browsing mode, including separately identifying for each time the following: the browser, the private browsing mode, the date and time, the device, the websites visited, how long each private browsing session lasted and YOUR location.

ORIGINAL RESPONSE TO INTERROGATORY NO. 5:

Plaintiff Byatt objects to Interrogatory No. 5 as overly broad, vague, and not proportional to the needs of the litigation, insofar as Google may be requesting particular details of dates, times, devices, websites visited, the duration of those visits, and Plaintiff Byatt’s location while engaged in these activities. Further, Plaintiff Byatt chooses the private browsing mode because he does not want this activity tracked, recorded, or otherwise memorialized and, therefore, requiring Plaintiff

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Byatt to recall the details sufficient to respond to Interrogatory No. 5 would be unreasonable and not proportional to the needs of the litigation. Further, according to Google's Motion to Dismiss, Google, unlike Plaintiff Byatt, collects most if not all of the information requested. Accordingly, Google is in the best position to answer this Interrogatory since it is already in possession of this information.

Notwithstanding and subject to these objections, Plaintiff Byatt responds that he used private browsing mode with the specific purpose of that activity not being tracked, recorded, or otherwise memorialized and, therefore, Plaintiff Byatt cannot recall the particular details of each and every time he engaged in private browsing mode. Plaintiff Byatt used Chrome's private browsing mode, and recalls using the Chrome private browsing mode to browse [REDACTED]

[REDACTED] The overwhelming majority of this private browsing activity was done in Chrome, but Plaintiff Byatt may have browsed privately in Firefox, but cannot recall any specific details of that activity. The majority of Plaintiff Byatt's private browsing activity was done in [REDACTED]

AMENDED RESPONSE TO INTERROGATORY NO. 5:

Plaintiff Byatt objects to Interrogatory No. 5 as overly broad, vague, and not proportional to the needs of the litigation, insofar as Google may be requesting particular details of dates, times, devices, websites visited, the duration of those visits, and Plaintiff Byatt's location while engaged in these activities. Further, Plaintiff Byatt chooses the private browsing mode because he does not want this activity tracked, recorded, or otherwise memorialized and, therefore, requiring Plaintiff Byatt to recall the details sufficient to respond to Interrogatory No. 5 would be unreasonable and not proportional to the needs of the litigation. Further, according to Google's Motion to Dismiss, Google, unlike Plaintiff Byatt, collects most if not all of the information requested. Accordingly, Google is in the best position to answer this Interrogatory since it is already in possession of this information.

Notwithstanding and subject to these objections, Plaintiff Byatt responds that he used private browsing mode with the specific purpose of that activity not being tracked, recorded, or

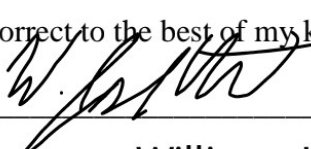
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1 otherwise memorialized and, therefore, Plaintiff Byatt cannot recall the particular details of each
2 and every time he engaged in private browsing mode. Plaintiff Byatt used Chrome's private
3 browsing mode, and recalls using the Chrome private browsing mode to browse [REDACTED]
4 [REDACTED]
5 [REDACTED]

6 [REDACTED] The overwhelming majority of this private browsing activity was done in
7 Chrome,' but Plaintiff Byatt may have browsed privately in Firefox, but cannot recall any specific
8 details of that activity. The majority of Plaintiff Byatt's private browsing activity was done in
9 [REDACTED]
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By:  _____

Printed Name: William J Byatt

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

Dated: May 12, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

John A. Yanchunis (*pro hac vice*)

Ryan J. McGee (*pro hac vice*)

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Facsimile: (310) 789-3150

Attorneys for Plaintiffs

PROOF OF SERVICE

I, Ryan J. McGee, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 12, 2021, I served the following document described as:

Plaintiff's Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

By electronic mail transmission from rmcgee@forthepeople.com on May 12, 2021, by transmitting a PDF format copy of such document to each such person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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Fax: 312-705-7401
andrewschapiro@quinnemanuel.com

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Viola Trebicka
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3 thaothai@quinnemanuel.com

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6 Josef Ansorge (pro hac vice)
7 Quinn Emanuel Urquhart & Sullivan, LLP
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11 Fax: 202-538-8100
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13 josefansorge@quinnemanuel.com

14 *Attorneys for Defendant*

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16 Quinn Emanuel Urquhart & Sullivan, LLP
17 50 California Street, 22nd Floor
18 San Francisco, CA 94111
19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorney for Defendant*

23 Executed on May 12, 2021, at Tampa, Florida.

24 /s/ Ryan J. McGee
25 Ryan J. McGee, Esq.

EXHIBIT 12

**Redacted Version
of Document Sought
to be Sealed**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF CHRISTOPHER CASTILLO'S VERIFIED AMENDED OBJECTIONS AND
RESPONSES TO DEFENDANT'S INTERROGATORIES 1, 4, AND 5**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Christopher Castillo ("Castillo") hereby objects and responds to Defendant's, Google LLC ("Google"), Interrogatories 1, 4, and 5. These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Castillo's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Castillo may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Castillo reserves all rights to supplement and amend his objections and responses accordingly.

INTERROGATORY NO. 1:

Describe with particularity each time YOU reviewed the GOOGLE TERMS OF SERVICE, GOOGLE PRIVACY POLICY, MY GOOGLE ACTIVITY, CHROME INCOGNITO NOTICE, CHROME TERMS OF SERVICE, and/or CHROME PRIVACY NOTICE prior to the filing of the COMPLAINT and, if YOU reviewed such documents, on what date(s) and which version(s) YOU reviewed, and whether YOU reviewed the entire document(s) or only portion(s) of the document(s) (if only portion(s), describe with particularity which portion(s) you reviewed).

ORIGINAL RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Castillo objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Castillo's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Castillo's (and class members') browsing activity conducted in private browsing mode, despite Google's representations that Plaintiff Castillo's (and class members') browsing information would not be saved.

Notwithstanding and subject to these objections, Plaintiff Castillo responds that he reviewed the Chrome Incognito Notice (i.e., the Incognito splash screen) and Google's representations contained therein each time he began a private browsing mode session in Chrome. Plaintiff Castillo further responds that, at or around the time he opened his Google Account and at times thereafter, he reviewed Google representations that he was in "control" of what information Google collects and could exercise such control by enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e., the Incognito splash screen that he reviewed each time he began a private browsing mode session in Chrome), to be the Google Privacy Policy. He does not recall the exact dates he reviewed these disclosures. He likewise does not recall whether he reviewed the other disclosures included in this request, in part because, as described, he is not certain which specific disclosures they refer to.

AMENDED RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Castillo objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Castillo's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Castillo's (and class members') browsing activity conducted in private browsing mode,

1 despite Google's representations that Plaintiff Castillo's (and class members') browsing
2 information would not be saved.

3 Notwithstanding and subject to these objections, Plaintiff Castillo responds that he
4 reviewed the Incognito splash screen and Google's representations contained therein each time he
5 began a private browsing mode session in Chrome. Plaintiff Castillo further responds that, at or
6 around the time he opened his Google Account in approximately [REDACTED] and at times thereafter, he
7 reviewed Google representations in Google's Privacy Policy and Chrome Policy that he was in
8 "control" of what information Google collects and could exercise such control by enabling private
9 browsing mode. He does not recall the exact dates he reviewed these disclosures, but the
10 disclosures he recalls reviewing were substantially similar to the disclosures stating that he was in
11 control of his data, and he reviewed the Incognito splash screen each time he began a private
12 browsing mode session in Chrome.

13 **INTERROGATORY NO. 4:**

14 Without limitation as to time period, describe with particularity all websites, applications,
15 or other online services with which YOU voluntarily shared any DATA AT ISSUE.

16 **ORIGINAL RESPONSE TO INTERROGATORY NO. 4:**

17 Plaintiff Castillo objects to Interrogatory No. 4 as overly broad, vague, and not proportional
18 to the needs of the litigation, considering Google requests each and every instance when Plaintiff
19 Castillo may have shared "data" with a website, application, or other online service, regardless of
20 any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer.
21 In addition, to the extent this request seeks information regarding "data" shared when private
22 browsing mode was not enabled, it is irrelevant. On the basis of these objections, Plaintiff Castillo
23 does not intend to respond to Interrogatory No. 4, other than to say that he did not knowingly or
24 voluntarily share any page views (*i.e.*, URL information) while private browsing mode was
25 enabled. Given his uncertainty regarding the meaning of this Interrogatory, Plaintiff Castillo is
26 willing to meet and confer with Defendant regarding his objection.
27
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AMENDED RESPONSE TO INTERROGATORY NO. 4:

Plaintiff Castillo objects to Interrogatory No. 4 as overly broad, vague, and not proportional to the needs of the litigation, considering Google requests each and every instance when Plaintiff Castillo may have shared "data" with a website, application, or other online service, regardless of any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer. In addition, to the extent this request seeks information regarding "data" shared when private browsing mode was not enabled, it is irrelevant.

Notwithstanding and subject to these objections, Plaintiff Castillo states that, to the extent he can recall, during the Class Period the websites he visited most, regardless of whether he was browsing in private browsing mode or not, include: [REDACTED]

[REDACTED] Plaintiff Castillo further states that, to the extent he can recall, during the Class Period the applications he used most include: [REDACTED]

INTERROGATORY NO. 5:

Describe with particularity each time YOU used private browsing mode, including separately identifying for each time the following: the browser, the private browsing mode, the date and time, the device, the websites visited, how long each private browsing session lasted and YOUR location.

ORIGINAL RESPONSE TO INTERROGATORY NO. 5:

Plaintiff Castillo objects to Interrogatory No. 5 as overly broad, vague, and not proportional to the needs of the litigation, insofar as Google may be requesting particular details of dates, times, devices, websites visited, the duration of those visits, and Plaintiff Castillo's location while

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1 engaged in these activities. Further, Plaintiff Castillo chooses the private browsing mode because
2 he does not want this activity tracked, recorded, or otherwise memorialized and, therefore,
3 requiring Plaintiff Castillo to recall the details sufficient to respond to Interrogatory No. 5 would
4 be unreasonable and not proportional to the needs of the litigation. Further, according to Google's
5 Motion to Dismiss, Google, unlike Plaintiff Castillo, collects most if not all of the information
6 requested. Accordingly, Google is in the best position to answer this Interrogatory since it is
7 already in possession of this information.

8 Notwithstanding and subject to these objections, Plaintiff Castillo responds that he used
9 private browsing mode with the specific purpose of that activity not being tracked, recorded, or
10 otherwise memorialized and, therefore, Plaintiff Castillo cannot recall the particular details of each
11 and every time he engaged in private browsing mode. Plaintiff Castillo used Chrome's private
12 browsing mode, and recalls using the Chrome private browsing mode in approximately [REDACTED] and
13 [REDACTED] to browse [REDACTED] on his desktop computer and
14 phone. Also, more recently Plaintiff Castillo used Chrome's private browsing mode to [REDACTED]
15 [REDACTED]

16 [REDACTED] Otherwise, Plaintiff Castillo occasionally uses Chrome's private
17 browsing mode to [REDACTED] The majority of Plaintiff
18 Castillo's private browsing activity was done in [REDACTED]
19

AMENDED RESPONSE TO INTERROGATORY NO. 5:

20 Plaintiff Castillo objects to Interrogatory No. 5 as overly broad, vague, and not proportional
21 to the needs of the litigation, insofar as Google may be requesting particular details of dates, times,
22 devices, websites visited, the duration of those visits, and Plaintiff Castillo's location while
23 engaged in these activities. Further, Plaintiff Castillo chooses the private browsing mode because
24 he does not want this activity tracked, recorded, or otherwise memorialized and, therefore,
25 requiring Plaintiff Castillo to recall the details sufficient to respond to Interrogatory No. 5 would
26 be unreasonable and not proportional to the needs of the litigation. Further, according to Google's
27 Motion to Dismiss, Google, unlike Plaintiff Castillo, collects most if not all of the information
28

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1 requested. Accordingly, Google is in the best position to answer this Interrogatory since it is
2 already in possession of this information.

3 Notwithstanding and subject to these objections, Plaintiff Castillo responds that he used
4 private browsing mode with the specific purpose of that activity not being tracked, recorded, or
5 otherwise memorialized and, therefore, Plaintiff Castillo cannot recall the particular details of each
6 and every time he engaged in private browsing mode. Plaintiff Castillo used Chrome's private
7 browsing mode, and recalls using the Chrome private browsing mode in approximately [REDACTED] and
8 [REDACTED] to browse [REDACTED] on his desktop computer and
9 phone. Also, more recently Plaintiff Castillo used Chrome's private browsing mode to [REDACTED]
10 [REDACTED]

11 [REDACTED] Otherwise, Plaintiff Castillo occasionally uses Chrome's private
12 browsing mode to [REDACTED]

13 [REDACTED] The majority of Plaintiff Castillo's private browsing activity was done
14 in [REDACTED]
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: John Antze

Printed Name: Christopher Castillo

Title: MR.

STATE OF California

COUNTY OF Sacramento

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

1 Dated: May 12, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)
4 Ryan J. McGee (*pro hac vice*)
5 **MORGAN & MORGAN**
6 201 N. Franklin Street, 7th Floor
7 Tampa, FL 33602
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23 James Lee (admitted *pro hac vice*)
24 Rossana Baeza (admitted *pro hac vice*)
25 **BOIES SCHILLER FLEXNER LLP**
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Los Angeles, California 90067
Telephone: (310) 789-3100
Facsimile: (310) 789-3150

Attorneys for Plaintiffs

PROOF OF SERVICE

I, Ryan J. McGee, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 12, 2021, I served the following document described as:

Plaintiff's Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

By electronic mail transmission from rmcgee@forthepeople.com on May 12, 2021, by transmitting a PDF format copy of such document to each such person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

Andrew H. Schapiro (pro hac vice)
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Attorney for Defendant

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Attorneys for Defendant

Diane M. Doolittle
Thao Thai
Quinn Emanuel Urquhart & Sullivan, LLP
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4 *Attorneys for Defendant*

5 William Burck (pro hac vice)
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13 josefansorge@quinnemanuel.com

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19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorney for Defendant*

23 Executed on May 12, 2021, at Tampa, Florida.

24 /s/ Ryan J. McGee
25 Ryan J. McGee, Esq.

EXHIBIT 13

**Redacted Version
of Document Sought
to be Sealed**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF JEREMY DAVIS' VERIFIED AMENDED OBJECTIONS AND
RESPONSES TO DEFENDANT'S INTERROGATORIES 1, 4, AND 5**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Jeremy Davis ("Davis") hereby objects and responds to Defendant's, Google LLC ("Google"), Interrogatories 1, 4, and 5. These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Davis' knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Davis may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Davis reserves all rights to supplement and amend his objections and responses accordingly.

INTERROGATORY NO. 1:

Describe with particularity each time YOU reviewed the GOOGLE TERMS OF SERVICE, GOOGLE PRIVACY POLICY, MY GOOGLE ACTIVITY, CHROME INCOGNITO NOTICE, CHROME TERMS OF SERVICE, and/or CHROME PRIVACY NOTICE prior to the filing of the COMPLAINT and, if YOU reviewed such documents, on what date(s) and which version(s) YOU reviewed, and whether YOU reviewed the entire document(s) or only portion(s) of the document(s) (if only portion(s), describe with particularity which portion(s) you reviewed).

ORIGINAL RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Davis objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Davis' allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Davis' (and class members') browsing activity conducted in private browsing mode, despite Google's representations that Plaintiff Davis' (and class members') browsing information would not be saved.

Notwithstanding and subject to these objections, Plaintiff Davis responds that he reviewed the Chrome Incognito Notice (i.e., the Incognito splash screen) and Google's representations contained therein each time he began a private browsing mode session in Chrome. Plaintiff Davis further responds that, at or around the time he opened his Google Account and at times thereafter, he reviewed Google representations that he was in "control" of what information Google collects and could exercise such control by enabling private browsing mode, such as the representations outlined in paragraphs 2 and 42 of the First Amended Complaint. He understands this, along with the Chrome Incognito Notice (i.e., the Incognito splash screen that he reviewed each time he began a private browsing mode session in Chrome), to be the Google Privacy Policy. He does not recall the exact dates he reviewed these disclosures. He likewise does not recall whether he reviewed the other disclosures included in this request, in part because, as described, he is not certain which specific disclosures they refer to.

AMENDED RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Davis objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Davis' allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Davis' (and class members') browsing activity conducted in private browsing mode, despite

1 Google's representations that Plaintiff Davis' (and class members') browsing information would
2 not be saved.

3 Notwithstanding and subject to these objections, Plaintiff Davis responds that he reviewed
4 the Incognito splash screen and Google's representations contained therein each time he began a
5 private browsing mode session in Chrome. Plaintiff Davis further responds that, at or around the
6 time he opened his Google Account, which was created when Gmail was in beta in approximately
7 [REDACTED] and at times thereafter, he reviewed Google representations that he was in "control" of what
8 information Google collects, and to the best of his ability recalls an update from Google Chrome
9 that introduced him to the Incognito function that stated he could exercise such control by enabling
10 private browsing mode. He does not recall the exact dates he reviewed updated disclosures and
11 cannot recall any statement by Google that Google would collect his information when he was
12 using private browsing mode, and he reviewed the Incognito splash screen each time he began a
13 private browsing mode session in Chrome.

14 **INTERROGATORY NO. 4:**

15 Without limitation as to time period, describe with particularity all websites, applications,
16 or other online services with which YOU voluntarily shared any DATA AT ISSUE.

17 **ORIGINAL RESPONSE TO INTERROGATORY NO. 4:**

18 Plaintiff Davis objects to Interrogatory No. 4 as overly broad, vague, and not proportional
19 to the needs of the litigation, considering Google requests each and every instance when Plaintiff
20 Davis may have shared "data" with a website, application, or other online service, regardless of
21 any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer.
22 In addition, to the extent this request seeks information regarding "data" shared when private
23 browsing mode was not enabled, it is irrelevant. On the basis of these objections, Plaintiff Davis
24 does not intend to respond to Interrogatory No. 4, other than to say that he did not knowingly or
25 voluntarily share any page views (*e.g.*, URL information) while private browsing mode was
26 enabled. Given his uncertainty regarding the meaning of this Interrogatory, Plaintiff Davis is
27 willing to meet and confer with Defendant regarding his objection.
28

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AMENDED RESPONSE TO INTERROGATORY NO. 4:

Plaintiff Davis objects to Interrogatory No. 4 as overly broad, vague, and not proportional to the needs of the litigation, considering Google requests each and every instance when Plaintiff Davis may have shared "data" with a website, application, or other online service, regardless of any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer. In addition, to the extent this request seeks information regarding "data" shared when private browsing mode was not enabled, it is irrelevant.

Notwithstanding and subject to these objections, Plaintiff Davis states that, to the extent he can recall, during the Class Period the websites he visited most, regardless of whether he was browsing in private browsing mode or not, include: [REDACTED]

Plaintiff Davis further states that, to the extent he can recall, during the Class Period the applications he used most include: [REDACTED]

INTERROGATORY NO. 5:

Describe with particularity each time YOU used private browsing mode, including separately identifying for each time the following: the browser, the private browsing mode, the date and time, the device, the websites visited, how long each private browsing session lasted and YOUR location.

ORIGINAL RESPONSE TO INTERROGATORY NO. 5:

Plaintiff Davis objects to Interrogatory No. 5 as overly broad, vague, and not proportional to the needs of the litigation, insofar as Google may be requesting particular details of dates, times, devices, websites visited, the duration of those visits, and Plaintiff Davis' location while engaged in these activities. Further, Plaintiff Davis chooses the private browsing mode because he does not

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1 want this activity tracked, recorded, or otherwise memorialized and, therefore, requiring Plaintiff
2 Davis to recall the details sufficient to respond to Interrogatory No. 5 would be unreasonable and
3 not proportional to the needs of the litigation. Further, according to Google's Motion to Dismiss,
4 Google, unlike Plaintiff Davis, collects most if not all of the information requested. Accordingly,
5 Google is in the best position to answer this Interrogatory since it is already in possession of this
6 information.

7 Notwithstanding and subject to these objections, Plaintiff Davis responds that the
8 overwhelming majority of his browsing activity is done by default in private browsing mode in
9 Chrome. In fact, Plaintiff Davis utilizes private browsing mode by default on all of his devices and
10 web browsers (Chrome on his laptops and tablets, Chrome and Safari on his iPhone), and to the
11 best of Plaintiff Davis' knowledge, the only time browsing activity may be done outside of private
12 browsing mode is when Plaintiff Davis clicks a hyperlink from an email and that hyperlink
13 launches his browser in non-private browsing mode. Otherwise, all of Plaintiff Davis' browsing
14 activity is performed in private browsing mode. The majority of Plaintiff Davis' private browsing
15 activity was done in [REDACTED]

AMENDED RESPONSE TO INTERROGATORY NO. 5:

17 Plaintiff Davis objects to Interrogatory No. 5 as overly broad, vague, and not proportional
18 to the needs of the litigation, insofar as Google may be requesting particular details of dates, times,
19 devices, websites visited, the duration of those visits, and Plaintiff Davis' location while engaged
20 in these activities. Further, Plaintiff Davis chooses the private browsing mode because he does not
21 want this activity tracked, recorded, or otherwise memorialized and, therefore, requiring Plaintiff
22 Davis to recall the details sufficient to respond to Interrogatory No. 5 would be unreasonable and
23 not proportional to the needs of the litigation. Further, according to Google's Motion to Dismiss,
24 Google, unlike Plaintiff Davis, collects most if not all of the information requested. Accordingly,
25 Google is in the best position to answer this Interrogatory since it is already in possession of this
26 information.
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1 Notwithstanding and subject to these objections, Plaintiff Davis responds that the
2 overwhelming majority of his browsing activity is done by default in private browsing mode in
3 Chrome. In fact, Plaintiff Davis utilizes private browsing mode by default on all of his devices and
4 web browsers (Chrome on his laptops and tablets, Chrome and Safari on his iPhone), and to the
5 best of Plaintiff Davis' knowledge, the only time browsing activity may be done outside of private
6 browsing mode is when Plaintiff Davis clicks a hyperlink from an email and that hyperlink
7 launches his browser in non-private browsing mode. Otherwise, all of Plaintiff Davis' browsing
8 activity is performed in private browsing mode, and his response to Interrogatory No. 4 above
9 provides examples of that private browsing activity. The majority of Plaintiff Davis' private
10 browsing activity was done in [REDACTED]
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: 

Printed Name: Jeremy Davis

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

1 Dated: May 12, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)

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PROOF OF SERVICE

I, Ryan J. McGee, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On May 12, 2021, I served the following document described as:

Plaintiff's Verified Amended Objections and Responses to Defendant's Interrogatories 1, 4, and 5.

By electronic mail transmission from rmcgee@forthepeople.com on May 12, 2021, by transmitting a PDF format copy of such document to each such person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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23 Executed on May 12, 2021, at Tampa, Florida.

24 /s/ Ryan J. McGee
25 Ryan J. McGee, Esq.
26
27
28

EXHIBIT 14

**Redacted Version
of Document Sought
to be Sealed**

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF MONIQUE TRUJILLO'S OBJECTIONS AND RESPONSES
TO DEFENDANT'S FIRST AND SECOND SETS OF INTERROGATORIES**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Monique Trujillo ("Trujillo") hereby objects and responds to Defendant's, Google LLC ("Google"), First and Second Sets of Interrogatories (Nos. 1–10). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Trujillo's knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Trujillo may become aware of additional facts or evidence and her analysis of the case may change. Plaintiff Trujillo reserves all rights to supplement and amend her objections and responses accordingly.

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INTERROGATORY NO. 1:

Describe with particularity each time YOU reviewed the GOOGLE TERMS OF SERVICE, GOOGLE PRIVACY POLICY, MY GOOGLE ACTIVITY, CHROME INCOGNITO NOTICE, CHROME TERMS OF SERVICE, and/or CHROME PRIVACY NOTICE prior to the filing of the COMPLAINT and, if YOU reviewed such documents, on what date(s) and which version(s) YOU reviewed, and whether YOU reviewed the entire document(s) or only portion(s) of the document(s) (if only portion(s), describe with particularity which portion(s) you reviewed).

RESPONSE TO INTERROGATORY NO. 1:

Plaintiff Trujillo objects to Interrogatory No. 1 to the extent it purports to suggest that review of and consent to Google's Privacy Policy is a necessary predicate for any claim in this litigation and not proportional to the needs of this litigation. Plaintiff Trujillo's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing Plaintiff Trujillo's (and class members') browsing activity conducted in private browsing mode, despite Google's representations that Plaintiff Trujillo's (and class members') browsing information would not be saved.

Notwithstanding and subject to these objections, Plaintiff Trujillo responds that she reviewed the Incognito splash screen and Google's representations contained therein each time she began a private browsing mode session in Chrome. Plaintiff Trujillo further responds that, at or around the time she opened her Google Account, which was in approximately [REDACTED], and at times thereafter, she reviewed Google representations that she was in "control" of what information Google collects, and to the best of her ability recalls reviewing a Google page six or seven years ago describing private browsing that represented she was in "control" of what information Google collects and that she could exercise such control by enabling private browsing mode. She does not recall the exact dates she reviewed these disclosures, but believes it was six or seven years ago, and she reviewed the Incognito splash screen each time she began a private browsing mode session in Chrome.

INTERROGATORY NO. 2:

Describe with particularity YOUR use of CHROME, including: the date YOU first began using CHROME on each device (e.g., mobile devices, tablets, laptops, and/or desktops); the frequency with which YOU used CHROME on each device; which browser modes YOU used in CHROME on each device; whether you logged into a Google account when you used CHROME on each device; which Google account(s) YOU logged into when YOU used CHROME on each device; which website(s) YOU visited while using CHROME on each device; whether you ever

1 reviewed or deleted data on MY GOOGLE ACTIVITY; and how often YOU enabled CHROME
2 INCOGNITO MODE while logged out of your Google account.

3 **RESPONSE TO INTERROGATORY NO. 2:**

4 Plaintiff Trujillo objects to Interrogatory No. 2 as overly broad, vague, and not proportional
5 to the needs of the litigation, considering Google requests each and every instance when Plaintiff
6 Trujillo used Chrome, the Google accounts logged into for each instance of using Chrome, each
7 website visited with Chrome, and other disproportional details, rendering this Interrogatory No. 2
8 not possible to fully and accurately answer. Plaintiff Trujillo also objects that this interrogatory is
9 compound, asking in part about her use of Chrome but then separately including a request
10 regarding the separate topic of whether she “reviewed or deleted data on MY GOOGLE
11 ACTIVITY.” This interrogatory therefore counts as two separate interrogatories.

12 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that she has
13 used Chrome on her computers for at least the past decade. Since [REDACTED], Plaintiff Trujillo used
14 Chrome on her computers and phones, including Incognito private browsing mode, which she uses
15 at least a few times per month. During the Class Period, Plaintiff Trujillo uses private browsing
16 mode on both her computers and phones to [REDACTED]
17 [REDACTED]. To the best of
18 Plaintiff Trujillo’s knowledge, she has never logged into any Google accounts in Chrome when
19 using Chrome’s private browsing mode, but may have logged into her Google account,
20 [REDACTED], when using Chrome in its non-private browsing mode. To the best of
21 Plaintiff Trujillo’s knowledge, Plaintiff Trujillo has not reviewed or deleted her My Google
22 Activity.

23 However, Plaintiff Trujillo does not know and has not been told all the ways that Google
24 is tracking her during her private browsing sessions. Further, she does not know by “logging into
25 Google,” whether Google is including other processes and apps that may be running, Google-
26 branded or Google-supported. She may further supplement this response if she is provided more
27 information about how Google is tracking people in private browsing in undisclosed ways. For
28

1 now, she is only talking about what is going on during private browsing, on the browser application
2 itself, based on what she can actually observe in the ordinary course of her browsing.

3 **INTERROGATORY NO. 3:**

4 Describe with particularity how YOU have been harmed or damaged by DEFENDANT's
5 conduct alleged in YOUR COMPLAINT.

6 **RESPONSE TO INTERROGATORY NO. 3:**

7 Plaintiff Trujillo objects to Interrogatory No. 3 as discovery has not closed and Plaintiff
8 Trujillo does not know the full extent of Defendant's misrepresentations and deceptive conduct in
9 collecting, gathering, analyzing, and monetizing Plaintiff Trujillo's private browsing activity, and
10 Plaintiff Trujillo reserves her right to amend this interrogatory as the case proceeds.

11 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that her privacy
12 is very important to her and Plaintiff Trujillo takes careful precautions to protect her privacy. When
13 Plaintiff Trujillo engaged in the private browsing mode in Google's Chrome browser, Plaintiff
14 Trujillo read Google's representations that Plaintiff Trujillo's browsing activity would not be
15 collected and that she could browse the web privately. Based on Google's representations, Plaintiff
16 Trujillo reasonably believed that she could control the information that would be shared with
17 Google. Plaintiff Trujillo considered this browsing activity private and confidential, and did not
18 intend to share it with Google. Plaintiff Trujillo never consented to Google's interception of her
19 private browsing communications, Google's collection of any data from her private browsing, or
20 Google's use of any data from her private browsing. Plaintiff Trujillo chose the private browsing
21 mode to avoid Google's collection of that browsing activity and to browse the web without Google
22 spying on and gathering that browsing activity for its own monetary gain. Without Plaintiff
23 Trujillo's knowledge, Google continued to monitor and collect her browsing activity and used that
24 browsing activity for its own monetary gain. Plaintiff Trujillo is familiar with other web browsers
25 that pay users a fee for their browsing.

26 **INTERROGATORY NO. 4:**

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1 Without limitation as to time period, describe with particularity all websites, applications,
2 or other online services with which YOU voluntarily shared any DATA AT ISSUE.

3 **RESPONSE TO INTERROGATORY NO. 4:**

4 Plaintiff Trujillo objects to Interrogatory No. 4 as overly broad, vague, and not proportional
5 to the needs of the litigation, considering Google requests each and every instance when Plaintiff
6 Trujillo may have shared “data” with a website, application, or other online service, regardless of
7 any time limitation, rendering this Interrogatory No. 4 not possible to fully and accurately answer.
8 In addition, to the extent this request seeks information regarding “data” shared when private
9 browsing mode was not enabled, it is irrelevant.

10 Notwithstanding and subject to these objections, Plaintiff Trujillo states that, to the extent
11 she can recall, during the Class Period the websites visited most, regardless of whether she was
12 browsing in private browsing mode or not, include: [REDACTED]

13 [REDACTED]
14 [REDACTED]
15 [REDACTED]

16 [REDACTED] Plaintiff Trujillo further states that, to the extent she can recall,
17 during the Class Period the applications she most used include: [REDACTED]

18 [REDACTED]

19 **INTERROGATORY NO. 5:**

20 Describe with particularity each time YOU used private browsing mode, including
21 separately identifying for each time the following: the browser, the private browsing mode, the
22 date and time, the device, the websites visited, how long each private browsing session lasted and
23 YOUR location.

24 **RESPONSE TO INTERROGATORY NO. 5:**

25 Plaintiff Trujillo objects to Interrogatory No. 5 as overly broad, vague, and not proportional
26 to the needs of the litigation, insofar as Google may be requesting particular details of dates, times,
27 devices, websites visited, the duration of those visits, and Plaintiff Trujillo’s location while
28 engaged in these activities. Further, Plaintiff Trujillo chooses the private browsing mode because

1 she does not want this activity tracked, recorded, or otherwise memorialized and, therefore,
2 requiring Plaintiff Trujillo to recall the details sufficient to respond to Interrogatory No. 5 would
3 be unreasonable and not proportional to the needs of the litigation. Further, according to Google's
4 Motion to Dismiss, Google, unlike Plaintiff Trujillo, collects most if not all of the information
5 requested. Accordingly, Google is in the best position to answer this Interrogatory since it is
6 already in possession of this information.

7
8 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that she used
9 private browsing mode with the specific purpose of that activity not being tracked, recorded, or
10 otherwise memorialized and, therefore, Plaintiff Trujillo cannot recall the particular details of each
11 and every time she engaged in private browsing mode. Plaintiff Trujillo used Chrome's and
12 Safari's private browsing modes [REDACTED]

13 [REDACTED]
14 [REDACTED] This private browsing activity was done in both Chrome and Safari, but the
15 majority of the private browsing activity was done in Chrome Incognito mode. The overwhelming
16 majority of Plaintiff Trujillo's private browsing activity was done in [REDACTED]

17 **INTERROGATORY NO. 6:**

18 Describe with particularity YOUR use of all non-CHROME private browsing modes,
19 including: what non-CHROME private browsing modes YOU used, the time periods in which
20 YOU used each of the non-CHROME private browsing modes YOU identified, and, if any, what
21 disclosures from publishers of the non-CHROME browsers you reviewed or relied on during the
22 time periods YOU identified.

23 **RESPONSE TO INTERROGATORY NO. 6:**

24 Plaintiff Trujillo objects to Interrogatory No. 6 as overly broad, vague, and not proportional
25 to the needs of the litigation, to the extent, like with Interrogatory No. 5, Google requests particular
26 details of dates, times, devices, websites visited, the duration of those visits, and Plaintiff Trujillo's
27 location while engaged in these activities. Further, Plaintiff Trujillo chooses the private browsing
28 mode because she does not want this activity tracked, recorded, or otherwise memorialized and,

1 therefore, requiring Plaintiff Trujillo to recall the details sufficient to respond to Interrogatory No.
2 6 would be unreasonable and not proportional to the needs of the litigation. Further, according to
3 Google's Motion to Dismiss, Google, unlike Plaintiff Trujillo, collects most if not all of the
4 information requested. Accordingly, Google is in the best position to answer this Interrogatory
5 since it is already in possession of this information. Finally, Plaintiff Trujillo objects to the term
6 "publishers of non-Chrome browsers" because this term is meaningless. Plaintiff Trujillo does not
7 understand the distinction Google appears to be making between websites on a Chrome browser
8 and websites on a non-Chrome browser.

9
10 Notwithstanding and subject to these objections, Plaintiff Trujillo recalls that some of her
11 private browsing activity for the last six or seven years was done in Safari, but the majority of her
12 private browsing activity was in Chrome Incognito mode. Aside from rejecting cookie permissions
13 when possible, Plaintiff Trujillo recalls seeing a private browsing mode screen in Safari that
14 represents the browsing history will not be saved.

15 **INTERROGATORY NO. 7:**

16 Describe with particularity each specific "Google representation" that YOU allege led
17 YOU to "believe[] that [YOUR] data would not be collected by Google and that Google would
18 not intercept [YOUR] communications when [YOU] were in 'private browsing mode,'" see SAC
19 ¶¶ 3, 149, including by stating whether YOU in fact reviewed each representation and, if so, when
20 YOU first reviewed each representation, and whether YOU in fact relied upon each representation
21 in using private browsing mode.

22 **RESPONSE TO INTERROGATORY NO. 7:**

23 Plaintiff Trujillo objects to Interrogatory No. 7 as not relevant to the claims and/or defenses
24 of this case to the extent it purports to suggest that review of and consent to Google's Terms of
25 Service, or any terms of service, privacy policies, or other notices incorporated therein, is a
26 necessary predicate for any claim in this litigation and not proportional to the needs of this
27 litigation. Plaintiff Trujillo's allegations relate to Google's conduct of secretly and unlawfully
28 intercepting, collecting, analyzing, and monetizing Plaintiff Trujillo's (and class members')

1 browsing activity conducted in private browsing mode, despite Google’s representations that
2 Plaintiff Trujillo’s (and class members’) browsing information would not be saved.

3 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that, although
4 she is not sure whether she reviewed the Google Terms of Service, which incorporate the Google
5 Chrome and Chrome OS Additional Terms of Service, the Chrome Privacy Notice, the Privacy
6 Policy, the “Search & Browse Privately” page, and the Incognito Screen—she did review the
7 Incognito splash screen and Google’s representations contained therein each time she began a
8 private browsing mode session in Chrome, which did not state that Google would intercept and
9 collect her private browsing activity.

10 **INTERROGATORY NO. 8:**

11 Describe with particularity each category of “personal and sensitive user data” that YOU
12 contend Google unlawfully “intercepted.” *See* SAC ¶ 1.

13 **RESPONSE TO INTERROGATORY NO. 8:**

14 Plaintiff Trujillo objects to Interrogatory No. 8. as overly broad, vague, and not
15 proportional to the needs of the litigation, considering this interrogatory requires the identification
16 of each and every instance when Google unlawfully intercepted Plaintiff Trujillo’s data in order
17 to categorize such data, rendering this Interrogatory No. 8 not possible to fully and accurately
18 answer.

19 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that each and
20 every time that Plaintiff Trujillo (and class members) used private browsing mode, Google
21 intercepted at least the following categories of personal and sensitive user data: 1) the “GET
22 request,” which provides the content the user’s browsing software asked the website to display
23 while in private browsing mode; 2) the unique internet protocol (“IP”) address of the user’s
24 connection to the internet while in private browsing mode; 3) information identifying the browser
25 software that the user is using, including any “fingerprint” data (such as user interactions with
26 Google’s special, unique fonts and pixels) that allow Google to further track and identify a
27 particular user, while in private browsing mode; 4) any “User-ID” the website issued to the user
28

1 while in private browsing mode, allowing Google to track and match the user across other websites
2 the user visits, whether in private browsing mode or not; 5) the geolocation of the user while in
3 private browsing mode; and 6) information contained in “Google cookies” from prior browsing
4 sessions which, at a minimum, contain the prior websites the user has viewed, and may also contain
5 usernames, login information, browsing activity (such as clicking buttons on websites), which in
6 turn helps Google enrich Google’s profile on the user, which Google then uses for its own benefit
7 and profit.

8 **INTERROGATORY NO. 9:**

9 Describe with particularity YOUR understanding of the terms “private browsing” and
10 “browse privately” in the Google disclosures that YOU allege led YOU to “believe[] that [YOUR]
11 data would not be collected by Google and that Google would not intercept [YOUR]
12 communications when [YOU] were in ‘private browsing mode,’” *see* SAC ¶ 3, including by stating
13 the basis for YOUR understanding and stating whether YOU believed using private browsing
14 would completely conceal YOUR internet browsing activity from everyone, or if not, identifying
15 the persons or entities which YOU understood would still be able to view YOUR internet browsing
16 activity when YOU were in private browsing mode.

17 **RESPONSE TO INTERROGATORY NO. 9:**

18 Plaintiff Trujillo objects to Interrogatory No. 9 as not relevant to the claims and/or defenses
19 of this case to the extent it purports to suggest that review of and consent to Google’s Terms of
20 Service, or any terms of service, privacy policies, or other notices incorporated therein, is a
21 necessary predicate for any claim in this litigation and not proportional to the needs of this
22 litigation. Plaintiff Trujillo’s allegations relate to Google’s conduct of secretly and unlawfully
23 intercepting, collecting, analyzing, and monetizing Plaintiff Trujillo’s (and class members’)
24 browsing activity conducted in private browsing mode, despite Google’s representations that
25 Plaintiff Trujillo’s (and class members’) browsing information would not be saved.

26 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that “private
27 browsing” and “browse privately” are described in the Incognito splash screen she read each time
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1 she began a private browsing session in Chrome—that her activity in private browsing mode might
2 still be visible to the websites she visits, her employer or school, or her internet service provider.
3 Google was not listed, and she did not consent to Google’s interception and collection of her
4 private browsing activity. Plaintiff Trujillo further states that, in addition to this description in the
5 Incognito splash screen, when she begins a private browsing session in Chrome the background
6 turns dark, depicts a stealthy figure, and states that Chrome will not save her browsing history,
7 cookies and site data, and information entered into forms, reinforcing that any private browsing
8 activity would be concealed from and not subject to Google’s interception and collection.

9 **INTERROGATORY NO. 10:**

10 Describe with particularity YOUR alleged awareness that YOU are able to sell YOUR
11 personal data, via other websites such as Killi (<https://killi.io/earn/>), *see* SAC ¶¶ 170, 175, 180,
12 185, 190, including by describing when YOU first became aware of this alleged fact, how YOU
13 became aware of this alleged fact, whether you contend that YOU could sell to Killi or other
14 entities the categories of “personal data” that YOU allege Google misappropriated, whether you
15 have ever attempted to sell such data (and if not, why not), and whether YOU contend that
16 Google’s alleged conduct has affected YOUR alleged ability to sell YOUR personal data via other
17 websites such as Killi.

18 **RESPONSE TO INTERROGATORY NO. 10:**

19 Plaintiff Trujillo objects to Interrogatory No. 10 as not relevant to the claims and/or
20 defenses of this case to the extent it purports to suggest that Plaintiff Trujillo’s sale of any personal
21 data is a necessary predicate for any claim in this litigation. Plaintiff Trujillo’s allegations relate
22 to Google’s conduct of secretly and unlawfully intercepting, collecting, analyzing, and monetizing
23 Plaintiff Trujillo’s (and class members’) browsing activity conducted in private browsing mode,
24 despite Google’s representations that Plaintiff Trujillo’s (and class members’) browsing
25 information would not be saved. Google has, instead, taken this personal data without Plaintiff
26 Trujillo’s (and class members’) permission, which in turn helps Google enrich Google’s profile of
27 Plaintiff Trujillo (and class members), which Google then uses for its own benefit and profit.
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1 Plaintiff Trujillo seeks, among other things, non-restitutionary disgorgement of all of Google's
2 profits that were derived, in whole or in part, from Google's unlawful interception and subsequent
3 use of Plaintiff Trujillo's communications and personal data. Plaintiff Trujillo also objects that this
4 interrogatory is compound, asking in part about her awareness that she is able to sell personal data
5 but then separately including requests about the separate topics of 1) when she first became aware,
6 2) how she became aware, 3) whether she has ever attempted to sell her personal data, 4) if she
7 has not attempted to sell her personal data, why not, and 5) whether Google's unlawful interception
8 of the personal data has affected her ability to sell that personal data. This interrogatory therefore
9 counts as five separate interrogatories.

10 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that she has
11 been aware of the value of her personal data for years, and she chose to browse privately to protect
12 that personal data from Google's and other tech companies' collection for their own benefit and
13 profit. Plaintiff Trujillo cannot recall specifically when she first learned of websites like Killi, but
14 she knew about companies like Brave and others that provide monetary compensation for personal
15 data before filing this lawsuit. To the best of Plaintiff Trujillo's recollection, she cannot recall
16 attempting to sell her personal data, but because Plaintiff Trujillo could sell her personal data to
17 websites like Killi and similar websites, the personal data that Google has unlawfully intercepted
18 while Plaintiff Trujillo was in private browsing mode has inherent value, and Google unlawfully
19 collected that personal data without providing compensation to Plaintiff Trujillo.
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: _____

Printed Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

Dated: June 7, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

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Ryan J. McGee (*pro hac vice*)
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Facsimile: (310) 789-3150

Attorneys for Plaintiffs

PROOF OF SERVICE

I, Ryan J. McGee, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On June 7, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's First and Second Sets of Interrogatories

By electronic mail transmission from rmcgee@forthepeople.com on June 7, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

Andrew H. Schapiro (pro hac vice)
Quinn Emanuel Urquhart & Sullivan, LLP
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Attorney for Defendant

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555 Twin Dolphin Drive, 5th Floor

1 Redwood Shores, CA 94065
2 Tel: 650-801-5000
3 Fax: 650-8015100
4 dianedoolittle@quinnemanuel.com
5 thaothai@quinnemanuel.com

6 *Attorneys for Defendant*

7 William Burck (pro hac vice)
8 Josef Ansorge (pro hac vice)
9 Quinn Emanuel Urquhart & Sullivan, LLP
10 1300 I Street NW, Suite 900
11 Washington, D.C., 20005
12 Tel: 202-538-8000
13 Fax: 202-538-8100
14 williamburck@quinnemanuel.com
15 josefansorge@quinnemanuel.com

16 *Attorneys for Defendant*

17 Jonathan Tse
18 Quinn Emanuel Urquhart & Sullivan, LLP
19 50 California Street, 22nd Floor
20 San Francisco, CA 94111
21 Tel: 415-875-6600
22 Fax: 415-875-6700
23 jonathantse@quinnemanuel.com

24 *Attorneys for Defendant*

25 Executed on June 7, 2021, at Tampa, Florida.

26
27 /s/ Ryan J. McGee
28 Ryan J. McGee

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: Monique Carolyn Trujillo

Printed Name: Monique Carolyn Trujillo

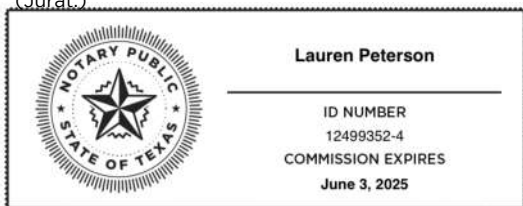
Title: N/A

STATE OF Texas

COUNTY OF Comal

The foregoing instrument was acknowledged before me this 17th day of November, 2021, by Monique Carolyn Trujillo, who has produced as identification California DRIVER LICENSE, bearing number B8914755, expiring 03/20/2022 and who did ☒ (did not) take an oath.

(Jurat:)



Lauren Peterson
NOTARY PUBLIC SIGNATURE

Lauren Peterson
Notary Public, State of Texas
Expiration: 06/03/2025

Notarized online using audio-video communication

EXHIBIT 15

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF CHASOM BROWN'S OBJECTIONS AND RESPONSES
TO DEFENDANT'S FOURTH SET OF INTERROGATORIES (NOS. 12–15)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Chasom Brown (“Brown”) hereby objects and responds to Defendant’s, Google LLC (“Google”), Fourth Set of Interrogatories (Nos. 12–15). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Brown’s knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Brown may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Brown reserves all rights to supplement and amend his objections and responses accordingly.

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INTERROGATORY NO. 12:

Describe with particularity whether YOU agreed to all terms in the documents you allege are part of the contract between YOU and Google, *see* SAC ¶ 268, including Google’s TERMS OF SERVICE, CHROME TERMS OF SERVICE, Google’s PRIVACY POLICY, CHROME PRIVACY NOTICE, and the CHROME INCOGNITO NOTICE, and if YOU did not agree to all terms in these documents, identify all terms YOU did agree to.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff Brown objects to this Interrogatory to the extent it purports to suggest that his agreement with Google's Terms of Service, Chrome Terms of Service, Privacy Policy, Chrome Privacy Notice, and/or Chrome Incognito Notice is a necessary predicate for any claim (other than the contract claim) in this litigation. Plaintiff's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff's (and class members') browsing activity conducted in private browsing mode, despite Google's representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff's (and class members') private browsing information would not be collected by Google. Users did not need any Google account to browse privately, using Incognito mode or otherwise. Further, to the best of Plaintiff's knowledge, he has never logged into any Google accounts in Chrome when using Chrome's private browsing mode.

Notwithstanding and subject to these objections, Plaintiff Brown responds that the Chrome Privacy Notice promises Plaintiff and Class members that Google does not collect or use private browsing communications, including by explaining that "[y]ou can limit the information Chrome stores on your system by using incognito mode" and that, within Incognito mode, "Chrome won't store certain information, such as: Basic browsing history information like URLs, cached paged text, or IP addresses of pages linked from the websites [users] visit [and] Snapshots of pages that [users] visit." Additionally, Google's Privacy Policy, the Incognito Screen, and the "Search & Browse Privately" page similarly promise that users can control Google's collection and use of their browsing data including by enabling private browsing mode such as Incognito mode, and that Google would not collect and use private browsing data. Google breached those promises, and as a result was able to obtain the personal property of Plaintiff and class members and earn unjust profits.

INTERROGATORY NO. 13:

Identify and describe with particularity any money that you have paid to Google.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff Brown objects to this Interrogatory to the extent it purports to suggest that monetary payment to Google is a necessary predicate for any claim in this litigation. Plaintiff and class members provided valuable consideration in the form of their respective personal information they agreed to share with Google in non-private browsing mode, which has ascertainable and demonstrated value by its use and sale by Google. Because Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's (and class members') browsing activity conducted in private browsing mode, this private and personally identifiable data and content has been diminished in value, and Plaintiff and class members have been deprived of their right to control the dissemination and use of their respective personal (and private) information and communications. Plaintiff Brown further objects to this Interrogatory as irrelevant to the extent it seeks information concerning money paid not related to private browsing.

Notwithstanding and subject to these objections, Plaintiff Brown responds that, to the best of his recollection, he has not directly paid any money to Google. Plaintiff has, however, provided valuable consideration in the form of his personal information for the use of Google products, but Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's browsing activity conducted in private browsing mode, the value of which has been diminished and Google has used to its benefit to increase its profits and revenues from targeted advertising and improvements of Google's other products.

INTERROGATORY NO. 14:

Identify all California or other applicable laws that you contend render the information that you allege Google misappropriated from you your personal property. *See, e.g.*, SAC ¶ 137 ("The CCPA recognizes that consumers' personal data is a property right."); *id.* ¶ 274 ("As a result of Google's breach(es), Google was able to obtain the personal property of Plaintiffs and Class members and earn unjust profits"); *id.* ¶ 282 ("Plaintiffs and Class members have suffered injury-

1 in-fact, including the loss of money and/or property as a result of Google's ... practices, to wit, the
2 unauthorized disclosure and taking of the personal information which has value as demonstrated
3 by its use and sale by Google.").

4 **RESPONSE TO INTERROGATORY NO. 14:**

5 Plaintiff Brown objects to this Interrogatory on the basis that discovery has not closed, and
6 Google is still producing documents evidencing its unlawful interception, collection of data from,
7 analysis, and monetization of Plaintiff's (and class members') browsing activity conducted in
8 private browsing mode. Therefore, Plaintiff reserves his right to amend this response as discovery
9 proceeds.

10 Notwithstanding and subject to these objections, Plaintiff Brown responds that his Second
11 Amended Complaint and pleadings filed in this case identify California and other applicable laws
12 that render the information that Google misappropriated from Plaintiff his personal property. These
13 include: the California Constitution; the Federal Wiretap Act, 18 U.S.C. § 2510, *et seq.*; the
14 California Invasion of Privacy Act ("CIPA"), California Penal Code §§ 631 and 632; the California
15 Comprehensive Computer Data Access and Fraud Act ("CDAFA"), Cal. Penal Code § 502, *et seq.*;
16 the California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200, *et seq.*; invasion
17 of privacy under California law; intrusion upon seclusion under California law; and breach of
18 contract under California law. Google's secret embedded code causes a secret, separate message
19 containing Plaintiff's communications and data at issue to Google's servers in California, and
20 Google's employees in California reuse those communications and data collected, bringing
21 Google's conduct under the laws of California. Additionally, Google's own Terms of Service
22 explicitly states "California law will govern all disputes arising out of or relating to these terms,
23 service specific additional terms, or any related services, regardless of conflict of laws rules. These
24 disputes will be resolved exclusively in the federal or state courts of Santa Clara County,
25 California, USA, and [users] and Google consent to personal jurisdiction in those courts." By
26 choosing California law for the resolution of disputes, Google has conceded that it is appropriate
27 to apply California law to its unlawful interception, collection of data from, analysis, and
28

1 monetization of Plaintiff's (and class members') browsing activity conducted in private browsing
2 mode.

3 **INTERROGATORY NO. 15:**

4 Identify and describe in detail any and all crimes of which YOU have been charged,
5 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible. *See*,
6 *e.g.*, *Harris v. Vector Marketing Corp.*, 753 F.Supp.2d 996, 1015 (N.D. Cal. 2010) ("[t]he honesty
7 and credibility of a class representative is a relevant consideration when performing the adequacy
8 inquiry" (citation omitted)); *Del Campo v. American Corrective Counseling Servs., Inc.*, 2008 WL
9 2038047, at *4 (N.D. Cal. May 12, 2008) ("[I]t is self-evident that a Court must be concerned with
10 the integrity of individuals it designates as representatives for a large class of plaintiffs" (citation
11 omitted)); *Pena v. Taylor Farms Pacific, Inc.*, 305 F.R.D. 197, 215-16 (E.D. Cal. 2015) (finding
12 Plaintiff's conviction for identity theft near the time period relevant to her claims and failure to
13 initially disclose the conviction was "likely to cast doubt on her honesty and credibility," which
14 rendered her "not an adequate representative.").

15 **RESPONSE TO INTERROGATORY NO. 15:**

16 Plaintiff Brown objects to Interrogatory No. 15 as overly broad and irrelevant, insofar as it
17 requests information concerning any crimes for which Plaintiff was charged but were dismissed
18 or for which Plaintiff was otherwise exonerated. Plaintiff further objects to Interrogatory No. 15
19 as overly broad and irrelevant, insofar as it requests information concerning criminal convictions
20 for which more than ten years have passed since conviction or release from confinement,
21 whichever is later. Fed. R. Civ. P. 609(b).

22 Notwithstanding and subject to these objections, none; Plaintiff has never been charged,
23 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible for any
24 crimes.
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26
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: _____

Printed Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

1 Dated: July 30, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)
4 Ryan J. McGee (*pro hac vice*)
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5 Tampa, FL 33602
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8 Mark C. Mao, CA Bar No. 236165
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12 srodriguez@bsfllp.com
13 brichardson@bsfllp.com

14 James Lee (admitted *pro hac vice*)
15 Rossana Baeza (admitted *pro hac vice*)
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24 Amanda K. Bonn (270891)
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25 1900 Avenue of the Stars, Suite 1400
26 Los Angeles, California 90067
Telephone: (310) 789-3100
27 Facsimile: (310) 789-3150

28 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On July 30, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's Fourth Set of Interrogatories

By electronic mail transmission from jcabezas@forthepeople.com on July 30, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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andrewschapiro@quinnemanuel.com

Attorney for Defendant

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Viola Trebicka
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Attorneys for Defendant

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Quinn Emanuel Urquhart & Sullivan, LLP
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Redwood Shores, CA 94065
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1 Fax: 650-8015100
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3 thaothai@quinnemanuel.com

4 *Attorneys for Defendant*

5 William Burck (pro hac vice)
6 Josef Ansorge (pro hac vice)
7 Quinn Emanuel Urquhart & Sullivan, LLP
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13 josefansorge@quinnemanuel.com

14 *Attorneys for Defendant*

15 Jonathan Tse
16 Quinn Emanuel Urquhart & Sullivan, LLP
17 50 California Street, 22nd Floor
18 San Francisco, CA 94111
19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorneys for Defendant*

23 Executed on July 30, 2021, at Tampa, Florida.

24 /s/ Jennifer Cabezas
25 Jennifer Cabezas
26
27
28

EXHIBIT 16

**Redacted Version
of Document Sought
to be Sealed**

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

**PLAINTIFF WILLIAM BYATT'S OBJECTIONS AND RESPONSES
TO DEFENDANT'S FOURTH SET OF INTERROGATORIES (NOS. 12–15)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff William Byatt (“Byatt”) hereby objects and responds to Defendant’s, Google LLC (“Google”), Fourth Set of Interrogatories (Nos. 12–15). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Byatt’s knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Byatt may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Byatt reserves all rights to supplement and amend his objections and responses accordingly.

INTERROGATORY NO. 12:

Describe with particularity whether YOU agreed to all terms in the documents you allege are part of the contract between YOU and Google, *see* SAC ¶ 268, including Google’s TERMS OF SERVICE, CHROME TERMS OF SERVICE, Google’s PRIVACY POLICY, CHROME PRIVACY NOTICE, and the CHROME INCOGNITO NOTICE, and if YOU did not agree to all terms in these documents, identify all terms YOU did agree to.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff Byatt objects to this Interrogatory to the extent it purports to suggest that his agreement with Google's Terms of Service, Chrome Terms of Service, Privacy Policy, Chrome Privacy Notice, and/or Chrome Incognito Notice is a necessary predicate for any claim (other than the contract claim) in this litigation. Plaintiff's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff's (and class members') browsing activity conducted in private browsing mode, despite Google's representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff's (and class members') private browsing information would not be collected by Google. Users did not need any Google account to browse privately, using Incognito mode or otherwise. Further, to the best of Plaintiff's knowledge, he has never logged into any Google accounts in Chrome when using Chrome's private browsing mode.

Notwithstanding and subject to these objections, Plaintiff Byatt responds that the Chrome Privacy Notice promises Plaintiff and Class members that Google does not collect or use private browsing communications, including by explaining that "[y]ou can limit the information Chrome stores on your system by using incognito mode" and that, within Incognito mode, "Chrome won't store certain information, such as: Basic browsing history information like URLs, cached paged text, or IP addresses of pages linked from the websites [users] visit [and] Snapshots of pages that [users] visit." Additionally, Google's Privacy Policy, the Incognito Screen, and the "Search & Browse Privately" page similarly promise that users can control Google's collection and use of their browsing data including by enabling private browsing mode such as Incognito mode, and that Google would not collect and use private browsing data. Google breached those promises, and as a result was able to obtain the personal property of Plaintiff and class members and earn unjust profits.

INTERROGATORY NO. 13:

Identify and describe with particularity any money that you have paid to Google.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff Byatt objects to this Interrogatory to the extent it purports to suggest that monetary payment to Google is a necessary predicate for any claim in this litigation. Plaintiff and class members provided valuable consideration in the form of their respective personal information they agreed to share with Google in non-private browsing mode, which has ascertainable and demonstrated value by its use and sale by Google. Because Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's (and class members') browsing activity conducted in private browsing mode, this private and personally identifiable data and content has been diminished in value, and Plaintiff and class members have been deprived of their right to control the dissemination and use of their respective personal (and private) information and communications. Plaintiff Byatt further objects to this Interrogatory as irrelevant to the extent it seeks information concerning money paid not related to private browsing.

Notwithstanding and subject to these objections, Plaintiff Byatt responds that, to the best of his recollection, he has paid to Google approximately [REDACTED] per month for Google One (since approximately [REDACTED]), [REDACTED] per month for YouTube Premium (since approximately [REDACTED] as a Google Play Music subscriber, which was converted into a YouTube premium subscription in approximately [REDACTED]), and approximately [REDACTED] per month for Google Fi (since approximately [REDACTED]). Plaintiff has, however, provided valuable consideration in the form of his personal information for the use of Google products, but Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's browsing activity conducted in private browsing mode, the value of which has been diminished and Google has used to its benefit to increase its profits and revenues from targeted advertising and improvements of Google's other products.

INTERROGATORY NO. 14:

1 Identify all California or other applicable laws that you contend render the information that
2 you allege Google misappropriated from you your personal property. *See, e.g.*, SAC ¶ 137 (“The
3 CCPA recognizes that consumers’ personal data is a property right.”); *id.* ¶ 274 (“As a result of
4 Google’s breach(es), Google was able to obtain the personal property of Plaintiffs and Class
5 members and earn unjust profits”); *id.* ¶ 282 (“Plaintiffs and Class members have suffered injury-
6 in-fact, including the loss of money and/or property as a result of Google’s ... practices, to wit, the
7 unauthorized disclosure and taking of the personal information which has value as demonstrated
8 by its use and sale by Google.”).

9 **RESPONSE TO INTERROGATORY NO. 14:**

10 Plaintiff Byatt objects to this Interrogatory on the basis that discovery has not closed, and
11 Google is still producing documents evidencing its unlawful interception, collection of data from,
12 analysis, and monetization of Plaintiff’s (and class members’) browsing activity conducted in
13 private browsing mode. Therefore, Plaintiff reserves his right to amend this response as discovery
14 proceeds.

15 Notwithstanding and subject to these objections, Plaintiff Byatt responds that his Second
16 Amended Complaint and pleadings filed in this case identify California and other applicable laws
17 that render the information that Google misappropriated from Plaintiff his personal property. These
18 include: the California Constitution; the Federal Wiretap Act, 18 U.S.C. § 2510, *et seq.*; the
19 California Invasion of Privacy Act (“CIPA”), California Penal Code §§ 631 and 632; the California
20 Comprehensive Computer Data Access and Fraud Act (“CDAFA”), Cal. Penal Code § 502, *et seq.*;
21 the California Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 17200, *et seq.*; invasion
22 of privacy under California law; intrusion upon seclusion under California law; and breach of
23 contract under California law. Google’s secret embedded code causes a secret, separate message
24 containing Plaintiff’s communications and data at issue to Google’s servers in California, and
25 Google’s employees in California reuse those communications and data collected, bringing
26 Google’s conduct under the laws of California. Additionally, Google’s own Terms of Service
27 explicitly states “California law will govern all disputes arising out of or relating to these terms,
28

1 service specific additional terms, or any related services, regardless of conflict of laws rules. These
2 disputes will be resolved exclusively in the federal or state courts of Santa Clara County,
3 California, USA, and [users] and Google consent to personal jurisdiction in those courts.” By
4 choosing California law for the resolution of disputes, Google has conceded that it is appropriate
5 to apply California law to its unlawful interception, collection of data from, analysis, and
6 monetization of Plaintiff’s (and class members’) browsing activity conducted in private browsing
7 mode.

8 **INTERROGATORY NO. 15:**

9 Identify and describe in detail any and all crimes of which YOU have been charged,
10 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible. *See*,
11 *e.g.*, *Harris v. Vector Marketing Corp.*, 753 F.Supp.2d 996, 1015 (N.D. Cal. 2010) (“[t]he honesty
12 and credibility of a class representative is a relevant consideration when performing the adequacy
13 inquiry” (citation omitted)); *Del Campo v. American Corrective Counseling Servs., Inc.*, 2008 WL
14 2038047, at *4 (N.D. Cal. May 12, 2008) (“[I]t is self-evident that a Court must be concerned with
15 the integrity of individuals it designates as representatives for a large class of plaintiffs” (citation
16 omitted)); *Pena v. Taylor Farms Pacific, Inc.*, 305 F.R.D. 197, 215-16 (E.D. Cal. 2015) (finding
17 Plaintiff’s conviction for identity theft near the time period relevant to her claims and failure to
18 initially disclose the conviction was “likely to cast doubt on her honesty and credibility,” which
19 rendered her “not an adequate representative.”).

20 **RESPONSE TO INTERROGATORY NO. 15:**

21 Plaintiff Byatt objects to Interrogatory No. 15 as overly broad and irrelevant, insofar as it
22 requests information concerning any crimes for which Plaintiff was charged but were dismissed
23 or for which Plaintiff was otherwise exonerated. Plaintiff further objects to Interrogatory No. 15
24 as overly broad and irrelevant, insofar as it requests information concerning criminal convictions
25 for which more than ten years have passed since conviction or release from confinement,
26 whichever is later. Fed. R. Civ. P. 609(b).

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1 Notwithstanding and subject to these objections, none; Plaintiff has never been charged,
2 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible for any
3 crimes.
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: _____

Printed Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

1 Dated: July 30, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)
4 Ryan J. McGee (*pro hac vice*)
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Telephone: (310) 789-3100
27 Facsimile: (310) 789-3150

28 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On July 30, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's Fourth Set of Interrogatories

By electronic mail transmission from jcabezas@forthepeople.com on July 30, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

Andrew H. Schapiro (pro hac vice)
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andrewschapiro@quinnemanuel.com

Attorney for Defendant

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Viola Trebicka
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violatrebicka@quinnemanuel.com

Attorneys for Defendant

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Thao Thai
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Tel: 650-801-5000

1 Fax: 650-8015100
2 dianedoolittle@quinnemanuel.com
3 thaothai@quinnemanuel.com

4 *Attorneys for Defendant*

5 William Burck (pro hac vice)
6 Josef Ansorge (pro hac vice)
7 Quinn Emanuel Urquhart & Sullivan, LLP
8 1300 I Street NW, Suite 900
9 Washington, D.C., 20005
10 Tel: 202-538-8000
11 Fax: 202-538-8100
12 williamburck@quinnemanuel.com
13 josefansorge@quinnemanuel.com

14 *Attorneys for Defendant*

15 Jonathan Tse
16 Quinn Emanuel Urquhart & Sullivan, LLP
17 50 California Street, 22nd Floor
18 San Francisco, CA 94111
19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorneys for Defendant*

23 Executed on July 30, 2021, at Tampa, Florida.

24 /s/ Jennifer Cabezas
25 Jennifer Cabezas
26
27
28

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: William Joshua Byatt

Printed Name: William Joshua Byatt

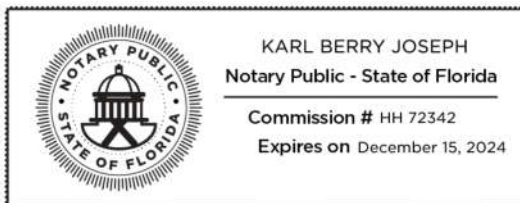
Title: Mr

STATE OF Florida

COUNTY OF orange

The foregoing instrument was acknowledged before me this 20th day of August, 2021, by William Joshua Byatt, who has produced as identification DRIVER LICENSE, bearing number B300-930-90-084-1, expiring 03/04/2029 and who did (did not) take an oath.

Type of ID Produced: Driver License



Karl Berry Joseph
NOTARY PUBLIC SIGNATURE Karl Berry Joseph

Notarized online using audio-video communication

EXHIBIT 17

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF CHRISTOPHER CASTILLO'S OBJECTIONS AND RESPONSES
TO DEFENDANT'S FOURTH SET OF INTERROGATORIES (NOS. 12–15)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Christopher Castillo (“Castillo”) hereby objects and responds to Defendant’s, Google LLC (“Google”), Fourth Set of Interrogatories (Nos. 12–15). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Castillo’s knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Castillo may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Castillo reserves all rights to supplement and amend his objections and responses accordingly.

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INTERROGATORY NO. 12:

Describe with particularity whether YOU agreed to all terms in the documents you allege are part of the contract between YOU and Google, *see* SAC ¶ 268, including Google’s TERMS OF SERVICE, CHROME TERMS OF SERVICE, Google’s PRIVACY POLICY, CHROME PRIVACY NOTICE, and the CHROME INCOGNITO NOTICE, and if YOU did not agree to all terms in these documents, identify all terms YOU did agree to.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff Castillo objects to this Interrogatory to the extent it purports to suggest that his agreement with Google's Terms of Service, Chrome Terms of Service, Privacy Policy, Chrome Privacy Notice, and/or Chrome Incognito Notice is a necessary predicate for any claim (other than the contract claim) in this litigation. Plaintiff's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff's (and class members') browsing activity conducted in private browsing mode, despite Google's representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff's (and class members') private browsing information would not be collected by Google. Users did not need any Google account to browse privately, using Incognito mode or otherwise. Further, to the best of Plaintiff's knowledge, he has never logged into any Google accounts in Chrome when using Chrome's private browsing mode.

Notwithstanding and subject to these objections, Plaintiff Castillo responds that the Chrome Privacy Notice promises Plaintiff and Class members that Google does not collect or use private browsing communications, including by explaining that "[y]ou can limit the information Chrome stores on your system by using incognito mode" and that, within Incognito mode, "Chrome won't store certain information, such as: Basic browsing history information like URLs, cached paged text, or IP addresses of pages linked from the websites [users] visit [and] Snapshots of pages that [users] visit." Additionally, Google's Privacy Policy, the Incognito Screen, and the "Search & Browse Privately" page similarly promise that users can control Google's collection and use of their browsing data including by enabling private browsing mode such as Incognito mode, and that Google would not collect and use private browsing data. Google breached those promises, and as a result was able to obtain the personal property of Plaintiff and class members and earn unjust profits.

INTERROGATORY NO. 13:

Identify and describe with particularity any money that you have paid to Google.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff Castillo objects to this Interrogatory to the extent it purports to suggest that monetary payment to Google is a necessary predicate for any claim in this litigation. Plaintiff and class members provided valuable consideration in the form of their respective personal information they agreed to share with Google in non-private browsing mode, which has ascertainable and demonstrated value by its use and sale by Google. Because Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's (and class members') browsing activity conducted in private browsing mode, this private and personally identifiable data and content has been diminished in value, and Plaintiff and class members have been deprived of their right to control the dissemination and use of their respective personal (and private) information and communications. Plaintiff Castillo further objects to this Interrogatory as irrelevant to the extent it seeks information concerning money paid not related to private browsing.

Notwithstanding and subject to these objections, Plaintiff Castillo responds that, to the best of his recollection, he has not directly paid any money to Google. Plaintiff has, however, provided valuable consideration in the form of his personal information for the use of Google products, but Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's browsing activity conducted in private browsing mode, the value of which has been diminished and Google has used to its benefit to increase its profits and revenues from targeted advertising and improvements of Google's other products.

INTERROGATORY NO. 14:

Identify all California or other applicable laws that you contend render the information that you allege Google misappropriated from you your personal property. *See, e.g.*, SAC ¶ 137 ("The CCPA recognizes that consumers' personal data is a property right."); *id.* ¶ 274 ("As a result of Google's breach(es), Google was able to obtain the personal property of Plaintiffs and Class members and earn unjust profits"); *id.* ¶ 282 ("Plaintiffs and Class members have suffered injury-

1 in-fact, including the loss of money and/or property as a result of Google's ... practices, to wit, the
2 unauthorized disclosure and taking of the personal information which has value as demonstrated
3 by its use and sale by Google.").

4 **RESPONSE TO INTERROGATORY NO. 14:**

5 Plaintiff Castillo objects to this Interrogatory on the basis that discovery has not closed,
6 and Google is still producing documents evidencing its unlawful interception, collection of data
7 from, analysis, and monetization of Plaintiff's (and class members') browsing activity conducted
8 in private browsing mode. Therefore, Plaintiff reserves his right to amend this response as
9 discovery proceeds.

10 Notwithstanding and subject to these objections, Plaintiff Castillo responds that his Second
11 Amended Complaint and pleadings filed in this case identify California and other applicable laws
12 that render the information that Google misappropriated from Plaintiff his personal property. These
13 include: the California Constitution; the Federal Wiretap Act, 18 U.S.C. § 2510, *et seq.*; the
14 California Invasion of Privacy Act ("CIPA"), California Penal Code §§ 631 and 632; the California
15 Comprehensive Computer Data Access and Fraud Act ("CDAFA"), Cal. Penal Code § 502, *et seq.*;
16 the California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200, *et seq.*; invasion
17 of privacy under California law; intrusion upon seclusion under California law; and breach of
18 contract under California law. Google's secret embedded code causes a secret, separate message
19 containing Plaintiff's communications and data at issue to Google's servers in California, and
20 Google's employees in California reuse those communications and data collected, bringing
21 Google's conduct under the laws of California. Additionally, Google's own Terms of Service
22 explicitly states "California law will govern all disputes arising out of or relating to these terms,
23 service specific additional terms, or any related services, regardless of conflict of laws rules. These
24 disputes will be resolved exclusively in the federal or state courts of Santa Clara County,
25 California, USA, and [users] and Google consent to personal jurisdiction in those courts." By
26 choosing California law for the resolution of disputes, Google has conceded that it is appropriate
27 to apply California law to its unlawful interception, collection of data from, analysis, and
28

1 monetization of Plaintiff's (and class members') browsing activity conducted in private browsing
2 mode.

3 **INTERROGATORY NO. 15:**

4 Identify and describe in detail any and all crimes of which YOU have been charged,
5 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible. *See*,
6 *e.g.*, *Harris v. Vector Marketing Corp.*, 753 F.Supp.2d 996, 1015 (N.D. Cal. 2010) ("[t]he honesty
7 and credibility of a class representative is a relevant consideration when performing the adequacy
8 inquiry" (citation omitted)); *Del Campo v. American Corrective Counseling Servs., Inc.*, 2008 WL
9 2038047, at *4 (N.D. Cal. May 12, 2008) ("[I]t is self-evident that a Court must be concerned with
10 the integrity of individuals it designates as representatives for a large class of plaintiffs" (citation
11 omitted)); *Pena v. Taylor Farms Pacific, Inc.*, 305 F.R.D. 197, 215-16 (E.D. Cal. 2015) (finding
12 Plaintiff's conviction for identity theft near the time period relevant to her claims and failure to
13 initially disclose the conviction was "likely to cast doubt on her honesty and credibility," which
14 rendered her "not an adequate representative.").

15 **RESPONSE TO INTERROGATORY NO. 15:**

16 Plaintiff Castillo objects to Interrogatory No. 15 as overly broad and irrelevant, insofar as
17 it requests information concerning any crimes for which Plaintiff was charged but were dismissed
18 or for which Plaintiff was otherwise exonerated. Plaintiff further objects to Interrogatory No. 15
19 as overly broad and irrelevant, insofar as it requests information concerning criminal convictions
20 for which more than ten years have passed since conviction or release from confinement,
21 whichever is later. Fed. R. Civ. P. 609(b).

22 Notwithstanding and subject to these objections, none; Plaintiff has never been charged,
23 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible for any
24 crimes.
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: _____

Printed Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

1 Dated: July 30, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)
4 Ryan J. McGee (*pro hac vice*)
MORGAN & MORGAN
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5 Tampa, FL 33602
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6 Fax: (813) 222-4736
jyanchunis@forthepeople.com
7 rmcgee@forthepeople.com

8 Mark C. Mao, CA Bar No. 236165
9 Sean P. Rodriguez, CA Bar No. 262437
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mmao@bsfllp.com
12 srodriguez@bsfllp.com
13 brichardson@bsfllp.com

14 James Lee (admitted *pro hac vice*)
15 Rossana Baeza (admitted *pro hac vice*)
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18 rbaeza@bsfllp.com

19 William S. Carmody
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24 Amanda K. Bonn (270891)
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26 Los Angeles, California 90067
Telephone: (310) 789-3100
27 Facsimile: (310) 789-3150

28 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On July 30, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's Fourth Set of Interrogatories

By electronic mail transmission from jcabezas@forthepeople.com on July 30, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

Andrew H. Schapiro (pro hac vice)
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Attorney for Defendant

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stephenbroome@quinnemanuel.com
violatrebicka@quinnemanuel.com

Attorneys for Defendant

Diane M. Doolittle
Thao Thai
Quinn Emanuel Urquhart & Sullivan, LLP
555 Twin Dolphin Drive, 5th Floor
Redwood Shores, CA 94065
Tel: 650-801-5000

1 Fax: 650-8015100
2 dianedoolittle@quinnemanuel.com
3 thaothai@quinnemanuel.com

4 *Attorneys for Defendant*

5 William Burck (pro hac vice)
6 Josef Ansorge (pro hac vice)
7 Quinn Emanuel Urquhart & Sullivan, LLP
8 1300 I Street NW, Suite 900
9 Washington, D.C., 20005
10 Tel: 202-538-8000
11 Fax: 202-538-8100
12 williamburck@quinnemanuel.com
13 josefansorge@quinnemanuel.com

14 *Attorneys for Defendant*

15 Jonathan Tse
16 Quinn Emanuel Urquhart & Sullivan, LLP
17 50 California Street, 22nd Floor
18 San Francisco, CA 94111
19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorneys for Defendant*

23 Executed on July 30, 2021, at Tampa, Florida.

24 /s/ Jennifer Cabezas
25 Jennifer Cabezas
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27
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: Christopher Edmund Castillo

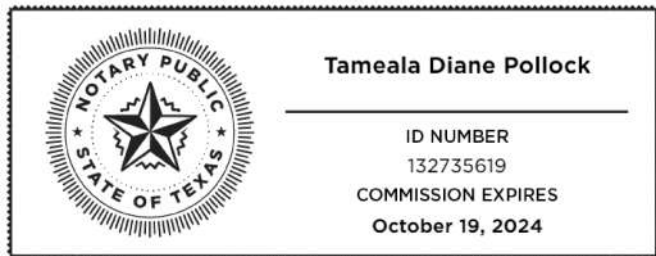
Printed Name: Christopher Edmund Castillo

Title: N/A

STATE OF Texas

COUNTY OF Dallas

The foregoing instrument was acknowledged before me this 15th day of August, 2021, by Christopher Edmund Castillo, who has produced as identification drivers license, bearing number C5251076, expiring 04/21/2025 and who did ~~(did not)~~ take an oath.



Tameala Diane Pollock
NOTARY PUBLIC SIGNATURE

Notarized online using audio-video communication

EXHIBIT 18

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF JEREMY DAVIS' OBJECTIONS AND RESPONSES
TO DEFENDANT'S FOURTH SET OF INTERROGATORIES (NOS. 12–15)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Jeremy Davis (“Davis”) hereby objects and responds to Defendant’s, Google LLC (“Google”), Fourth Set of Interrogatories (Nos. 12–15). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Davis’ knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Davis may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Davis reserves all rights to supplement and amend his objections and responses accordingly.

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INTERROGATORY NO. 12:

Describe with particularity whether YOU agreed to all terms in the documents you allege are part of the contract between YOU and Google, *see* SAC ¶ 268, including Google’s TERMS OF SERVICE, CHROME TERMS OF SERVICE, Google’s PRIVACY POLICY, CHROME PRIVACY NOTICE, and the CHROME INCOGNITO NOTICE, and if YOU did not agree to all terms in these documents, identify all terms YOU did agree to.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff Davis objects to this Interrogatory to the extent it purports to suggest that his agreement with Google's Terms of Service, Chrome Terms of Service, Privacy Policy, Chrome Privacy Notice, and/or Chrome Incognito Notice is a necessary predicate for any claim (other than the contract claim) in this litigation. Plaintiff's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff's (and class members') browsing activity conducted in private browsing mode, despite Google's representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff's (and class members') private browsing information would not be collected by Google. Users did not need any Google account to browse privately, using Incognito mode or otherwise. Further, to the best of Plaintiff's knowledge, he has never logged into any Google accounts in Chrome when using Chrome's private browsing mode.

Notwithstanding and subject to these objections, Plaintiff Davis responds that the Chrome Privacy Notice promises Plaintiff and Class members that Google does not collect or use private browsing communications, including by explaining that "[y]ou can limit the information Chrome stores on your system by using incognito mode" and that, within Incognito mode, "Chrome won't store certain information, such as: Basic browsing history information like URLs, cached paged text, or IP addresses of pages linked from the websites [users] visit [and] Snapshots of pages that [users] visit." Additionally, Google's Privacy Policy, the Incognito Screen, and the "Search & Browse Privately" page similarly promise that users can control Google's collection and use of their browsing data including by enabling private browsing mode such as Incognito mode, and that Google would not collect and use private browsing data. Google breached those promises, and as a result was able to obtain the personal property of Plaintiff and class members and earn unjust profits.

INTERROGATORY NO. 13:

Identify and describe with particularity any money that you have paid to Google.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff Davis objects to this Interrogatory to the extent it purports to suggest that monetary payment to Google is a necessary predicate for any claim in this litigation. Plaintiff and class members provided valuable consideration in the form of their respective personal information they agreed to share with Google in non-private browsing mode, which has ascertainable and demonstrated value by its use and sale by Google. Because Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's (and class members') browsing activity conducted in private browsing mode, this private and personally identifiable data and content has been diminished in value, and Plaintiff and class members have been deprived of their right to control the dissemination and use of their respective personal (and private) information and communications. Plaintiff Davis further objects to this Interrogatory as irrelevant to the extent it seeks information concerning money paid not related to private browsing.

Notwithstanding and subject to these objections, Plaintiff Davis responds that, to the best of his recollection, he has not directly paid any money to Google. Plaintiff has, however, provided valuable consideration in the form of his personal information for the use of Google products, but Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's browsing activity conducted in private browsing mode, the value of which has been diminished and Google has used to its benefit to increase its profits and revenues from targeted advertising and improvements of Google's other products.

INTERROGATORY NO. 14:

Identify all California or other applicable laws that you contend render the information that you allege Google misappropriated from you your personal property. *See, e.g.*, SAC ¶ 137 ("The CCPA recognizes that consumers' personal data is a property right."); *id.* ¶ 274 ("As a result of Google's breach(es), Google was able to obtain the personal property of Plaintiffs and Class members and earn unjust profits"); *id.* ¶ 282 ("Plaintiffs and Class members have suffered injury-

1 in-fact, including the loss of money and/or property as a result of Google's ... practices, to wit, the
2 unauthorized disclosure and taking of the personal information which has value as demonstrated
3 by its use and sale by Google.").

4 **RESPONSE TO INTERROGATORY NO. 14:**

5 Plaintiff Davis objects to this Interrogatory on the basis that discovery has not closed, and
6 Google is still producing documents evidencing its unlawful interception, collection of data from,
7 analysis, and monetization of Plaintiff's (and class members') browsing activity conducted in
8 private browsing mode. Therefore, Plaintiff reserves his right to amend this response as discovery
9 proceeds.

10 Notwithstanding and subject to these objections, Plaintiff Davis responds that his Second
11 Amended Complaint and pleadings filed in this case identify California and other applicable laws
12 that render the information that Google misappropriated from Plaintiff his personal property. These
13 include: the California Constitution; the Federal Wiretap Act, 18 U.S.C. § 2510, *et seq.*; the
14 California Invasion of Privacy Act ("CIPA"), California Penal Code §§ 631 and 632; the California
15 Comprehensive Computer Data Access and Fraud Act ("CDAFA"), Cal. Penal Code § 502, *et seq.*;
16 the California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200, *et seq.*; invasion
17 of privacy under California law; intrusion upon seclusion under California law; and breach of
18 contract under California law. Google's secret embedded code causes a secret, separate message
19 containing Plaintiff's communications and data at issue to Google's servers in California, and
20 Google's employees in California reuse those communications and data collected, bringing
21 Google's conduct under the laws of California. Additionally, Google's own Terms of Service
22 explicitly states "California law will govern all disputes arising out of or relating to these terms,
23 service specific additional terms, or any related services, regardless of conflict of laws rules. These
24 disputes will be resolved exclusively in the federal or state courts of Santa Clara County,
25 California, USA, and [users] and Google consent to personal jurisdiction in those courts." By
26 choosing California law for the resolution of disputes, Google has conceded that it is appropriate
27 to apply California law to its unlawful interception, collection of data from, analysis, and
28

1 monetization of Plaintiff's (and class members') browsing activity conducted in private browsing
2 mode.

3 **INTERROGATORY NO. 15:**

4 Identify and describe in detail any and all crimes of which YOU have been charged,
5 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible. *See*,
6 *e.g.*, *Harris v. Vector Marketing Corp.*, 753 F.Supp.2d 996, 1015 (N.D. Cal. 2010) ("[t]he honesty
7 and credibility of a class representative is a relevant consideration when performing the adequacy
8 inquiry" (citation omitted)); *Del Campo v. American Corrective Counseling Servs., Inc.*, 2008 WL
9 2038047, at *4 (N.D. Cal. May 12, 2008) ("[I]t is self-evident that a Court must be concerned with
10 the integrity of individuals it designates as representatives for a large class of plaintiffs" (citation
11 omitted)); *Pena v. Taylor Farms Pacific, Inc.*, 305 F.R.D. 197, 215-16 (E.D. Cal. 2015) (finding
12 Plaintiff's conviction for identity theft near the time period relevant to her claims and failure to
13 initially disclose the conviction was "likely to cast doubt on her honesty and credibility," which
14 rendered her "not an adequate representative.").

15 **RESPONSE TO INTERROGATORY NO. 15:**

16 Plaintiff Davis objects to Interrogatory No. 15 as overly broad and irrelevant, insofar as it
17 requests information concerning any crimes for which Plaintiff was charged but were dismissed
18 or for which Plaintiff was otherwise exonerated. Plaintiff further objects to Interrogatory No. 15
19 as overly broad and irrelevant, insofar as it requests information concerning criminal convictions
20 for which more than ten years have passed since conviction or release from confinement,
21 whichever is later. Fed. R. Civ. P. 609(b).

22 Notwithstanding and subject to these objections, none; Plaintiff has never been charged,
23 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible for any
24 crimes.
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: _____

Printed Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

1 Dated: July 30, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)
4 Ryan J. McGee (*pro hac vice*)
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Telephone: (310) 789-3100
27 Facsimile: (310) 789-3150

28 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On July 30, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's Fourth Set of Interrogatories

By electronic mail transmission from jcabezas@forthepeople.com on July 30, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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13 josefansorge@quinnemanuel.com

14 *Attorneys for Defendant*

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18 San Francisco, CA 94111
19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorneys for Defendant*

23 Executed on July 30, 2021, at Tampa, Florida.

24 /s/ Jennifer Cabezas
25 Jennifer Cabezas
26
27
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: Jeremy Hart Davis

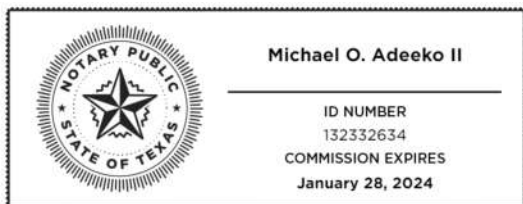
Printed Name: Jeremy Hart Davis

Title: N/A

STATE OF Texas

COUNTY OF Harris

The foregoing instrument was acknowledged before me this 15th day of August, 2021, by Jeremy Hart Davis, who has produced as identification an Arkansas driver's license, bearing number 902087090, expiring 08/23/2027 and who did (did not) take an oath.



Michael O. Adeeko II
NOTARY PUBLIC SIGNATURE

Notarized online using audio-video communication

EXHIBIT 19

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF MONIQUE TRUJILLO'S OBJECTIONS AND RESPONSES
TO DEFENDANT'S FOURTH SET OF INTERROGATORIES (NOS. 12–15)**

Pursuant to Federal Rules of Civil Procedure 26 and 33, Plaintiff Monique Trujillo (“Trujillo”) hereby objects and responds to Defendant’s, Google LLC (“Google”), Fourth Set of Interrogatories (Nos. 12–15). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Trujillo’s knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Trujillo may become aware of additional facts or evidence and her analysis of the case may change. Plaintiff Trujillo reserves all rights to supplement and amend her objections and responses accordingly.

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INTERROGATORY NO. 12:

Describe with particularity whether YOU agreed to all terms in the documents you allege are part of the contract between YOU and Google, *see* SAC ¶ 268, including Google’s TERMS OF SERVICE, CHROME TERMS OF SERVICE, Google’s PRIVACY POLICY, CHROME PRIVACY NOTICE, and the CHROME INCOGNITO NOTICE, and if YOU did not agree to all terms in these documents, identify all terms YOU did agree to.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff Trujillo objects to this Interrogatory to the extent it purports to suggest that her agreement with Google's Terms of Service, Chrome Terms of Service, Privacy Policy, Chrome Privacy Notice, and/or Chrome Incognito Notice is a necessary predicate for any claim (other than the contract claim) in this litigation. Plaintiff's allegations relate to Google's conduct of secretly and unlawfully intercepting, collecting data from, analyzing, and monetizing Plaintiff's (and class members') browsing activity conducted in private browsing mode, despite Google's representations (including without limitation in the Incognito private browsing mode) that private browsing mode was private and that Plaintiff's (and class members') private browsing information would not be collected by Google. Users did not need any Google account to browse privately, using Incognito mode or otherwise. Further, to the best of Plaintiff's knowledge, she has never logged into any Google accounts in Chrome when using Chrome's private browsing mode.

Notwithstanding and subject to these objections, Plaintiff Trujillo responds that the Chrome Privacy Notice promises Plaintiff and Class members that Google does not collect or use private browsing communications, including by explaining that "[y]ou can limit the information Chrome stores on your system by using incognito mode" and that, within Incognito mode, "Chrome won't store certain information, such as: Basic browsing history information like URLs, cached paged text, or IP addresses of pages linked from the websites [users] visit [and] Snapshots of pages that [users] visit." Additionally, Google's Privacy Policy, the Incognito Screen, and the "Search & Browse Privately" page similarly promise that users can control Google's collection and use of their browsing data including by enabling private browsing mode such as Incognito mode, and that Google would not collect and use private browsing data. Google breached those promises, and as a result was able to obtain the personal property of Plaintiff and class members and earn unjust profits.

INTERROGATORY NO. 13:

Identify and describe with particularity any money that you have paid to Google.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiff Trujillo objects to this Interrogatory to the extent it purports to suggest that monetary payment to Google is a necessary predicate for any claim in this litigation. Plaintiff and class members provided valuable consideration in the form of their respective personal information they agreed to share with Google in non-private browsing mode, which has ascertainable and demonstrated value by its use and sale by Google. Because Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's (and class members') browsing activity conducted in private browsing mode, this private and personally identifiable data and content has been diminished in value, and Plaintiff and class members have been deprived of their right to control the dissemination and use of their respective personal (and private) information and communications. Plaintiff Trujillo further objects to this Interrogatory as irrelevant to the extent it seeks information concerning money paid not related to private browsing.

Notwithstanding and subject to these objections, Plaintiff Trujillo responds that, to the best of her recollection, she has not directly paid any money to Google. Plaintiff has, however, provided valuable consideration in the form of her personal information for the use of Google products, but Google unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's browsing activity conducted in private browsing mode, the value of which has been diminished and Google has used to its benefit to increase its profits and revenues from targeted advertising and improvements of Google's other products.

INTERROGATORY NO. 14:

Identify all California or other applicable laws that you contend render the information that you allege Google misappropriated from you your personal property. *See, e.g.*, SAC ¶ 137 ("The CCPA recognizes that consumers' personal data is a property right."); *id.* ¶ 274 ("As a result of Google's breach(es), Google was able to obtain the personal property of Plaintiffs and Class members and earn unjust profits"); *id.* ¶ 282 ("Plaintiffs and Class members have suffered injury-

1 in-fact, including the loss of money and/or property as a result of Google's ... practices, to wit, the
2 unauthorized disclosure and taking of the personal information which has value as demonstrated
3 by its use and sale by Google."").

4 **RESPONSE TO INTERROGATORY NO. 14:**

5 Plaintiff Trujillo objects to this Interrogatory on the basis that discovery has not closed,
6 and Google is still producing documents evidencing its unlawful interception, collection of data
7 from, analysis, and monetization of Plaintiff's (and class members') browsing activity conducted
8 in private browsing mode. Therefore, Plaintiff reserves her right to amend this response as
9 discovery proceeds.

10 Notwithstanding and subject to these objections, Plaintiff Trujillo responds that her Second
11 Amended Complaint and pleadings filed in this case identify California and other applicable laws
12 that render the information that Google misappropriated from Plaintiff her personal property.
13 These include: the California Constitution; the Federal Wiretap Act, 18 U.S.C. § 2510, *et seq.*; the
14 California Invasion of Privacy Act ("CIPA"), California Penal Code §§ 631 and 632; the California
15 Comprehensive Computer Data Access and Fraud Act ("CDAFA"), Cal. Penal Code § 502, *et seq.*;
16 the California Unfair Competition Law ("UCL"), Cal. Bus. & Prof. Code § 17200, *et seq.*; invasion
17 of privacy under California law; intrusion upon seclusion under California law; and breach of
18 contract under California law. Google's secret embedded code causes a secret, separate message
19 containing Plaintiff's communications and data at issue to Google's servers in California, and
20 Google's employees in California reuse those communications and data collected, bringing
21 Google's conduct under the laws of California. Additionally, Google's own Terms of Service
22 explicitly states "California law will govern all disputes arising out of or relating to these terms,
23 service specific additional terms, or any related services, regardless of conflict of laws rules. These
24 disputes will be resolved exclusively in the federal or state courts of Santa Clara County,
25 California, USA, and [users] and Google consent to personal jurisdiction in those courts." By
26 choosing California law for the resolution of disputes, Google has conceded that it is appropriate
27 to apply California law to its unlawful interception, collection of data from, analysis, and
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1 monetization of Plaintiff's (and class members') browsing activity conducted in private browsing
2 mode.

3 **INTERROGATORY NO. 15:**

4 Identify and describe in detail any and all crimes of which YOU have been charged,
5 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible. *See*,
6 *e.g.*, *Harris v. Vector Marketing Corp.*, 753 F.Supp.2d 996, 1015 (N.D. Cal. 2010) ("[t]he honesty
7 and credibility of a class representative is a relevant consideration when performing the adequacy
8 inquiry" (citation omitted)); *Del Campo v. American Corrective Counseling Servs., Inc.*, 2008 WL
9 2038047, at *4 (N.D. Cal. May 12, 2008) ("[I]t is self-evident that a Court must be concerned with
10 the integrity of individuals it designates as representatives for a large class of plaintiffs" (citation
11 omitted)); *Pena v. Taylor Farms Pacific, Inc.*, 305 F.R.D. 197, 215-16 (E.D. Cal. 2015) (finding
12 Plaintiff's conviction for identity theft near the time period relevant to her claims and failure to
13 initially disclose the conviction was "likely to cast doubt on her honesty and credibility," which
14 rendered her "not an adequate representative.").

15 **RESPONSE TO INTERROGATORY NO. 15:**

16 Plaintiff Trujillo objects to Interrogatory No. 15 as overly broad and irrelevant, insofar as
17 it requests information concerning any crimes for which Plaintiff was charged but were dismissed
18 or for which Plaintiff was otherwise exonerated. Plaintiff further objects to Interrogatory No. 15
19 as overly broad and irrelevant, insofar as it requests information concerning criminal convictions
20 for which more than ten years have passed since conviction or release from confinement,
21 whichever is later. Fed. R. Civ. P. 609(b).

22 Notwithstanding and subject to these objections, none; Plaintiff has never been charged,
23 convicted, pleaded guilty, pleaded no contest, and/or have otherwise been held responsible for any
24 crimes.
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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: _____

Printed Name: _____

Title: _____

STATE OF _____

COUNTY OF _____

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, who has produced as identification _____, bearing number _____, expiring _____ and who did (did not) take an oath.

NOTARY PUBLIC SIGNATURE

1 Dated: July 30, 2021

MORGAN & MORGAN

2 /s/ John A. Yanchunis

3 John A. Yanchunis (*pro hac vice*)
4 Ryan J. McGee (*pro hac vice*)
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14 James Lee (admitted *pro hac vice*)
15 Rossana Baeza (admitted *pro hac vice*)
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26 Los Angeles, California 90067
Telephone: (310) 789-3100
27 Facsimile: (310) 789-3150

28 *Attorneys for Plaintiffs*

PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On July 30, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's Fourth Set of Interrogatories

By electronic mail transmission from jcabezas@forthepeople.com on July 30, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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Attorney for Defendant

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Attorneys for Defendant

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Thao Thai
Quinn Emanuel Urquhart & Sullivan, LLP
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3 thaothai@quinnemanuel.com

4 *Attorneys for Defendant*

5 William Burck (pro hac vice)
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13 josefansorge@quinnemanuel.com

14 *Attorneys for Defendant*

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17 50 California Street, 22nd Floor
18 San Francisco, CA 94111
19 Tel: 415-875-6600
20 Fax: 415-875-6700
21 jonathantse@quinnemanuel.com

22 *Attorneys for Defendant*

23 Executed on July 30, 2021, at Tampa, Florida.

24 /s/ Jennifer Cabezas
25 Jennifer Cabezas
26
27
28

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Answers to Interrogatories, and that the Answers are true and correct to the best of my knowledge and belief.

By: Monique Carolyne Trujillo

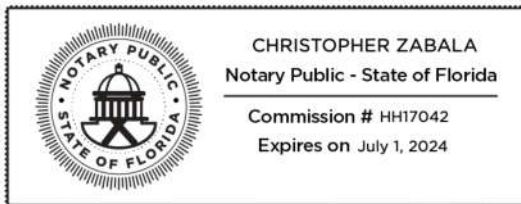
Printed Name: Monique Carolyne Trujillo

Title: Regional Manager

STATE OF Florida

COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 2nd day of September, 2021, by Monique Carolyne Trujillo, who has produced as identification DRIVER LICENSE, bearing number B8914755, expiring 03/20/2022 and who did (did not) take an oath.



Christopher Zabala
NOTARY PUBLIC SIGNATURE
Online Notary
Florida

Notarized online using audio-video communication

EXHIBIT 20

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CHASOM BROWN, WILLIAM BYATT,
JEREMY DAVIS, CHRISTOPHER
CASTILLO, and MONIQUE TRUJILLO
individually and on behalf of all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

Case No. 5:20-cv-03664-LHK-SVK

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**PLAINTIFF CHASOM BROWN’S OBJECTIONS AND RESPONSES
TO DEFENDANT’S THIRD SET OF REQUESTS FOR ADMISSION**

Pursuant to Federal Rule of Civil Procedure Rule 36, Plaintiff Chasom Brown (“Brown”) hereby objects and responds to Defendant’s, Google LLC (“Google”), Third Set of Requests for Admission (Nos. 22–29). These objections and responses are made solely for the purpose of and in relation to this action. In addition, the objections and responses set forth in this document are based on Plaintiff Brown’s knowledge, investigations, and analysis to date. As discovery proceeds, Plaintiff Brown may become aware of additional facts or evidence and his analysis of the case may change. Plaintiff Brown reserves all rights to supplement and amend his objections and responses accordingly.

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REQUEST FOR ADMISSION NO. 22:

Admit that, when YOU signed up for YOUR GOOGLE ACCOUNT, YOU agreed to the terms of Google’s then-current TERMS OF SERVICE.

RESPONSE TO REQUEST FOR ADMISSION NO. 22:

Plaintiff Brown objects to this Request to the extent it purports to suggest that agreement to Google’s Terms of Service is a necessary predicate for any claim in this litigation (aside from breach of contract). Plaintiff’s allegations relate to Google’s conduct of secretly and unlawfully

1 intercepting, collecting data from, analyzing, and monetizing Plaintiff's (and class members')
2 browsing activity conducted in private browsing mode, despite Google's representations
3 (including without limitation in the Incognito private browsing mode) that private browsing mode
4 was private and that Plaintiff's (and class members') private browsing information would not be
5 collected by Google. Users did not need any Google account to browse privately, using Incognito
6 mode or otherwise. Further, to the best of Plaintiff's knowledge, he has never logged into any
7 Google accounts in Chrome when using Chrome's private browsing mode.

8
9 Notwithstanding and subject to these objections, Plaintiff Brown admits that, when he
10 signed up for his Google Account, although he does not recall the exact details of the then-current
11 Terms of Service, he indicated to Google that he generally agreed to Google's then-current Terms
12 of Service—which incorporates the Google Chrome and Chrome OS Additional Terms of Service,
13 the Chrome Privacy Notice, the Privacy Policy, the "Search & Browse Privately" page, and the
14 Incognito Screen—and he recalls the disclosures promising that Google would not intercept and
15 collect his private browsing activity, and he did not consent to that interception and collection.
16 Otherwise Denied.

17 **REQUEST FOR ADMISSION NO. 23:**

18 Admit that, when YOU signed up for YOUR GOOGLE ACCOUNT, YOU agreed to the
19 terms of Google's then-current PRIVACY POLICY.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 23:**

21 Plaintiff Brown objects to this Request to the extent it purports to suggest that agreement
22 to Google's Privacy Policy is a necessary predicate for any claim in this litigation (aside from
23 breach of contract). Plaintiff's allegations relate to Google's conduct of secretly and unlawfully
24 intercepting, collecting data from, analyzing, and monetizing Plaintiff's (and class members')
25 browsing activity conducted in private browsing mode, despite Google's representations
26 (including without limitation in the Incognito private browsing mode) that private browsing mode
27 was private and that Plaintiff's (and class members') private browsing information would not be
28 collected by Google. Users did not need any Google account to browse privately, using Incognito

1 mode or otherwise. Further, to the best of Plaintiff's knowledge, he has never logged into any
2 Google accounts in Chrome when using Chrome's private browsing mode.

3 Notwithstanding and subject to these objections, Plaintiff Brown admits that, when he
4 signed up for his Google Account, although he does not recall the exact details of the then-current
5 Privacy Policy, he indicated to Google that he generally agreed to Google's then-current Terms of
6 Service—which incorporates the Google Chrome and Chrome OS Additional Terms of Service,
7 the Chrome Privacy Notice, the Privacy Policy, the "Search & Browse Privately" page, and the
8 Incognito Screen—and he recalls the disclosures promising that Google would not intercept and
9 collect his private browsing activity, and he did not consent to that interception and collection.
10 Otherwise Denied.

11 **REQUEST FOR ADMISSION NO. 24:**

12 Admit that, when YOU used the Chrome browser, YOU agreed to the terms of Google's
13 then-current CHROME TERMS OF SERVICE.

14 **ORIGINAL RESPONSE TO REQUEST FOR ADMISSION NO. 24:**

15 Plaintiff Brown admits that, when he used the Chrome browser, although he does not recall
16 the exact details of the then-current Chrome Terms of Service, he indicated to Google that he
17 generally agreed to Google's then-current Chrome Terms of Service, and he recalls Google's
18 disclosures, including Google's Terms of Service, Privacy Policy, Incognito Screen, and other
19 disclosures promising that Google would not intercept and collect his private browsing activity,
20 and he did not consent to that interception and collection. Otherwise Denied.

21 **REQUEST FOR ADMISSION NO. 25:**

22 Admit that, when YOU used the Chrome browser, YOU agreed to the terms of Google's
23 then-current CHROME PRIVACY NOTICE.

24 **RESPONSE TO REQUEST FOR ADMISSION NO. 25:**

25 Plaintiff Brown admits that, when he used the Chrome browser, although he does not recall
26 the exact details of the then-current Chrome Privacy Notice, he indicated to Google that he
27 generally agreed to Google's then-current Chrome Privacy Notice, and he recalls the disclosures,
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1 including Google's Terms of Service, Privacy Policy, Incognito Screen, and other disclosures
2 promising that Google would not intercept and collect his private browsing activity, and he did not
3 consent to that interception and collection. Otherwise Denied.

4 **REQUEST FOR ADMISSION NO. 26:**

5 Admit that YOU have never paid any money to Google to use CHROME.

6 **RESPONSE TO REQUEST FOR ADMISSION NO. 26:**

7 Plaintiff Brown objects to this Request to the extent it purports to suggest that monetary
8 payment to Google is a necessary predicate for any claim in this litigation. Plaintiff and class
9 members provided valuable consideration in the form of their respective personal information they
10 agreed to share with Google in non-private browsing mode, which has ascertainable and
11 demonstrated value by its use and sale by Google. Because Google unlawfully intercepted,
12 collected data from, analyzed, and monetized Plaintiff's (and class members') browsing activity
13 conducted in private browsing mode, this private and personally identifiable data and content has
14 been diminished in value, and Plaintiff and class members have been deprived of their right to
15 control the dissemination and use of their respective personal information and communications.

16 Notwithstanding and subject to these objections, Plaintiff Brown responds that, to the best
17 of his recollection, he has not directly paid any money to Google to use Chrome. Plaintiff has,
18 however, provided valuable consideration in the form of his personal information for the use of
19 Google products, but Google unlawfully intercepted, collected data from, analyzed, and monetized
20 Plaintiff's browsing activity conducted in private browsing mode, the value of which has been
21 diminished and Google has used to its benefit to increase its profits and revenues from targeted
22 advertising and improvements of Google's other products. Otherwise denied.

23 **REQUEST FOR ADMISSION NO. 27:**

24 Admit that YOU have never paid any money to Google to use GMAIL.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 27:**

26 Plaintiff Brown objects to this Request as irrelevant, as Gmail is not at issue in this
27 litigation. Plaintiff further objects to this Request to the extent it purports to suggest that monetary
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1 payment to Google is a necessary predicate for any claim in this litigation. Plaintiff and class
2 members provided valuable consideration in the form of their respective personal information they
3 agreed to share with Google in non-private browsing mode, which has ascertainable and
4 demonstrated value by its use and sale by Google. Because Google unlawfully intercepted,
5 collected data from, analyzed, and monetized Plaintiff's (and class members') browsing activity
6 conducted in private browsing mode, this private and personally identifiable data and content has
7 been diminished in value, and Plaintiff and class members have been deprived of their right to
8 control the dissemination and use of their respective personal information and communications.

9
10 Notwithstanding and subject to these objections, Plaintiff Brown responds that, to the best
11 of his recollection, he has not directly paid any money to Google to use Gmail. Plaintiff has,
12 however, provided valuable consideration in the form of his personal information for the use of
13 Google products, but Google unlawfully intercepted, collected data from, analyzed, and monetized
14 Plaintiff's browsing activity conducted in private browsing mode, the value of which has been
15 diminished and Google has used to its benefit to increase its profits and revenues from targeted
16 advertising and improvements of Google's other products. Otherwise denied.

17 **REQUEST FOR ADMISSION NO. 28:**

18 Admit that YOU have never paid any money to Google to use any SERVICES offered by
19 Google.

20 **RESPONSE TO REQUEST FOR ADMISSION NO. 28:**

21 Plaintiff Brown objects to the term "Services" insofar as it is irrelevant, vague, and
22 ambiguous, as Google has defined it to include a non-exhaustive list of "Google apps, sites, and
23 devices, like Search, YouTube, and Google Home, Google platforms like the Chrome browser and
24 Android operating system, and Google products that are integrated into third-party apps and sites,
25 like ads and embedded Google Maps." Plaintiff's use of YouTube, Maps, and other irrelevant
26 "services" are not at issue in this litigation. Plaintiff further objects to this Request to the extent it
27 purports to suggest that monetary payment to Google is a necessary predicate for any claim in this
28 litigation. Plaintiff and class members provided valuable consideration in the form of their

1 respective personal information they agreed to share with Google in non-private browsing mode,
2 which has ascertainable and demonstrated value by its use and sale by Google. Because Google
3 unlawfully intercepted, collected data from, analyzed, and monetized Plaintiff's (and class
4 members') browsing activity conducted in private browsing mode, this private and personally
5 identifiable data and content has been diminished in value, and Plaintiff and class members have
6 been deprived of their right to control the dissemination and use of their respective personal
7 information and communications.

8 Notwithstanding and subject to these objections, Plaintiff Brown responds that, to the best
9 of his recollection, he has not directly paid any money to Google to use services offered by Google.
10 Plaintiff has, however, provided valuable consideration in the form of his personal information for
11 the use of Google products, but Google unlawfully intercepted, collected data from, analyzed, and
12 monetized Plaintiff's browsing activity conducted in private browsing mode, the value of which
13 has been diminished and Google has used to its benefit to increase its profits and revenues from
14 targeted advertising and improvements of Google's other products. Otherwise denied.

15 **REQUEST FOR ADMISSION NO. 29:**

16 Admit that in YOUR GOOGLE ACCOUNT WEB & APP ACTIVITY SETTINGS, YOU
17 consented to Google saving information about your activity on sites that use Google services in
18 Your Google Account.

19 **RESPONSE TO REQUEST FOR ADMISSION NO. 29:**

20 Plaintiff Brown objects to this Request as irrelevant, as Web & App Activity is not at issue
21 in this litigation. Otherwise denied.
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Dated: July 30, 2021

MORGAN & MORGAN

/s/ John A. Yanchunis

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PROOF OF SERVICE

I, Jennifer Cabezas, declare:

I am a citizen of the United States and employed in the County of Hillsborough, Florida. I am over the age of 18 and not a party to the within action; my business address is 201 N. Franklin St., 7th Floor, Tampa, FL 33602.

On July 30, 2021, I served the following document described as:

Plaintiff's Objections and Responses to Defendant's Third Set of Requests for Admission

By electronic mail transmission from jcabezas@forthepeople.com on July 30, 2021, by transmitting a PDF format copy of such document to each person at the e-mail addresses listed below. The document was transmitted by electronic transmission and such transmission was reported as complete and without error:

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25 Executed on July 30, 2021, at Tampa, Florida.

26
27 /s/ Jennifer Cabezas
28 Jennifer Cabezas